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often co-ordination of sets between adjacent tribes. A single clan is sometimes dominant in more than one tribal area, dominant clans are linked in a general clan system, and the principal clans are found in every part of Nuerland. We have noted how in the days of ivory trading Gaajak tribesmen journeyed through the territories of other tribes as far as the Zeraf.

The limits of the tribe are therefore not the limits of social intercourse, and there are many ties between persons of one tribe and persons of another tribe. Through association with the clan system and by proximity the people of one tribe may consider themselves nearer to a second than to a third. Thus the three Eastern Jikany tribes feel a vague unity in relation to the Lou, and so do the Bor and Rengyan in relation to the Leek. But, also, individuals, and through individuals kinship groups and even a village, have a circuit of social relationships that cut across tribal divisions, so that a traveller who crosses the border of his tribe can always establish some links with individuals of the tribe he visits in virtue of which he will receive hospitality and protection. If he is wronged, his host, and not he, is involved in legal action. However, there is a kind of international law, in the recognition of conventions in certain matters, beyond political boundaries and the limits of formal law. Thus, though it is considered more risky to marry outside the tribe than within it, since divorce may prove more detrimental in that the return of bride-wealth is less certain, the rules of marriage are acknowledged on both sides and it would be considered improper to take advantage of political cleavage to break them. Tribes are thus politically exclusive groups, but they are not coterminous with an individual's sphere of social relations, though this sphere tends to follow the lines of political cleavage, in the same way as a man's district tends to be equated to his tribal segment. The relation between political structure and general social relations is discussed in the chapters that follow. Here we may note that it is desirable to distinguish between (1) political distance in the sense of structural distance between segments of a tribe, the largest political unit, and between tribes in a system of political relations; (2) general structural distance in the sense of non-political distance between various social groups in the Nuer-speaking community—non-political struc-

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and become attached to larger and stronger lineages by processes which we will explain later.

Nevertheless, a Nuer lineage never entirely merges into another clan. There are always certain ritual observances which cannot be shared. If intermarriage creates community ties between two lineages, it likewise keeps them distinct, since one may only marry those who are not of one's agnatic group, and even if two lineages intermarry to such an extent that cognatic relationship is a bar to further marriage between them, then each may marry into collateral lineages of the other's clan and children of their daughters. If a mythological link forges a closer union between them it is also a record of their different lines of descent, explaining, indeed, how people of divergent descent are living together amicably. Thus a lineage, however far removed from its homeland and however widely separated from its kinsfolk, never becomes entirely absorbed or loses its ritual heritage. A lineage can only merge with a collateral lineage of the same clan.

But though lineages maintain their autonomy, the lineage value only operates in the restricted field of ceremonial and is, therefore, only occasionally a determinant of behaviour. Community values are those which constantly direct behaviour, and these operate in a different set of social situations to lineage values. While lineage values control ceremonial relations between groups of agnates, community values control political relations between groups of people living in separate villages, tribal sections, and tribes. The two kinds of value control distinct planes of social life.

It is, as we explain in the following sections, only the close association between a tribe and its dominant clan, and lineages in one way or another related to this dominant clan, that makes the agnatic principle in lineage structure politically important, for these lineages function as values in the political system which gives them corporate substance.

VI

In spite of so much dispersion and admixture of clans there is in every tribe a definite relation between its political structure and the clan system, for in each tribe a clan, or a maximal lineage

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the kinship system has admitted them into its political structure on a basis of equality.

IX

A large number of Dinka who were not captured as children are not adopted into Nuer lineages, and Nuer strangers cannot be adopted into lineages of the dominant clan or into any other Nuer lineages. Nevertheless, members of all local communities, whilst they see themselves as distinct segments in relation to other local segments, express their relations to one another in terms of kinship. This is brought about by intermarriage.

We mention the rules of exogamy as briefly as possible and only in so far as they have a direct bearing on the political system. Nuer generally marry within their tribe, though they sometimes marry women of other tribes, especially if they live near the border. Sometimes, also, a man marries in one tribe and then, taking his wife and family with him, goes to live in another tribe. In recent times there have been occasional marriages with the Ngok, and possibly with other Dinka tribes. There are no exogamous rules based on locality. They are determined by lineage and kinship values. A man may not marry into his clan and, *a fortiori*, into his lineage. In most clans a man may marry into his mother's clan, but not into her maximal lineage, though this rule is less exact. A man may not marry any woman to whom he is in any way closely related. A Dinka adopted into a lineage may not marry into that lineage, but may marry into collateral lineages of the same clan.

The rules of exogamy have been cursorily described. Nevertheless we consider them important, for the values which chiefly regulate behaviour between one person and another in Nuer society are kinship values. Nuer rules of exogamy break down the exclusiveness of agnatic groups by compelling their members to marry outside them, and thereby to create new kinship ties. As the rules also forbid marriage between near cognates, a small local community like a village rapidly becomes a network of kinship ties and its members are compelled to find mates outside it. Any stranger who enters the village, if he is not already related to most of its members, rapidly enters into affinal relations with them and his children become their kinsmen. Consequently the population of a Nuer village or cattle camp

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582 602 621 can be placed on a single genealogical chart showing lines of descent and affinity, and, since affinity is fundamentally a relationship through kinship, we may say that all members of a village or camp are united by kinship ties and, therefore, are generally unable to marry into it. Consequently they are forced to take spouses from neighbouring villages of their district. Normally a man marries a girl who lives within visiting distance of his village. Hence a network of kinship ties stretches over a district and links in diverse ways the members of distinct political groups.

Looked at from the angle of a single village the circle of close kinship relations is limited to a small radius, and they tend to become fewer and more distant the nearer its periphery is approached. But the circumference of one such circle is intersected by other circles, so that there is no limit to the extension of a continuous series of kinship links. Exogamous rules, therefore, prevent the formation of autonomous agnatic groups and create extensive kinship ties within, and beyond, the tribal structure. Thus the kinship system bridges the gaps in political structure by a chain of links which unite members of opposed segments. They are like elastic bands which enable the political segments to fall apart and be in opposition and yet keep them together. This relation between kinship and political structure poses a set of complex problems. Here we wish to demonstrate only one point: the way in which dominant lineages serve as a political framework by the accretion of other lineages to them within local communities.

613 621 We have seen how every local community is associated with a lineage and that the members of this lineage who live in the community are numerically swamped by members of other lineages. We have also seen how all members of the community are in some way or other related by kinship. What gives a pattern to this complicated criss-crossing of cognatic threads is their relation to the dominant lineage of the community.

The Nuer have a category of *gaat nyiet*, children of girls, which includes all persons who are in the relationship of sister's son and daughter's son to a lineage. As a whole lineage can be spoken of as *gaat nyiet* to another if there is one such female link between them anywhere in the lines of their descent,

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bably always been the same number of sets in existence at any time and these sets always have the same relative positions to each other in the system, regardless of actual groups of men composing them.

It is significant that among the Nuer, as among other East African peoples, the age-set system is the first institution to undergo rapid and great modification under European rule and that the other social systems do not appear to be affected by the changes in its constitution. This tends to confirm the opinion we have earlier expressed, that whilst the age-set system is combined with the territorial and lineage systems in the same social cadre and is consistent with them, the consistency is not an interdependence.

IV

Within the age-set system the position of every male Nuer is structurally defined in relation to every other male Nuer and his status to them is one of seniority, equality, or juniority. It is difficult to describe these statuses in terms of behaviour, because the attitudes they impose are often of a very general nature. The following points may, however, be noted. (1) There are certain ritual observances and avoidances, chiefly between members of the same set, but also between sets. The most important of these are the segregation of the sets at sacrificial feasts, to which we have referred, and the stringent prohibition on members of a set burying an age-mate or partaking of the meat of beasts sacrificed at his mortuary ceremony; but there are a number of other ritual injunctions. (2) A man may not marry, or have sexual relations with, the daughter of an age-mate, for she is his 'daughter' and he is her 'father'. Also, while a man may always have sexual relations with the daughter of one of his father's age-mates he ought not to marry her unless either his father, or her father, is dead, and then only after the parties to the marriage have exchanged beasts in atonement to the age-set of the fathers. (3) Members of the same age-set are on terms of entire equality. A man does not stand on ceremony with his age-mates, but jokes, plays, and eats with them at his ease. Age-mates associate in work, war, and in all the pursuits of leisure. They are expected to offer one

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CHAPTER II

MARRIAGE PROHIBITIONS AND INCEST

I

We noticed in the last chapter that local clusters of kin comprise persons of different clans and of different tribal origins and that, moreover, they are not fixed compositions. Their members, individuals and families, move often and freely, going to stay, seasonally or for many years, with different kinsmen in other villages and camps, generally, though not always, in the same tribal area. Wherever they go they are easily incorporated into the new community through one or more kinship links. Apart from such moves, Nuer frequently visit all the villages in their neighbourhood, and in all of them they have kinsfolk. I have demonstrated the network of kinship ties in selected local communities, but we have to think of all the different strands of relationship in each community passing outside it and across the bush to link its members to those of other communities. I am not speaking here of lineage ties, but of ties of kinship or personal relationship. Consequently the different local communities of a whole tribe could be presented on a single genealogical chart. Given unlimited time and patience, the entire population of Nuerland could be so presented. There are no closed communities. Villages and camps are spatially separated, but they merge into one another socially through a multitude of cross-strands of kinship between persons as well as forming parts of a single political structure.

This wide acknowledgement of kinship might be expected to be found together, as it is, with a wide range of marriage prohibitions, which have the effect of spreading the marriages of members of any local group and creating innumerable links through women between persons in many different communities. In view of what we have already learnt about the place of maternal and affinal ties in kinship configurations, we shall also not be surprised to discover that relationships of both kinds are covered by marriage prohibitions outside the rules of clan exogamy.

It is these marriage prohibitions I now propose to examine. I discuss the subject of incest at the same time because, although the

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582 rules forbidding marriage within certain groups and between certain categories of persons are not coterminous with those forbidding sexual congress, the two cannot be divorced. The reason given by Nuer for their marriage prohibitions is that were marriage to take place within certain degrees of relationship it would be *rual*, incest.

835 684 753 The word *rual* means both incest and the misfortune which it causes. Syphilis and certain forms of yaws are believed to be especially a consequence of incest, though retribution may come in any form, from wild beasts, a spear, drowning, sickness, &c. These misfortunes can sometimes be avoided by sacrifice. On the other hand, they may fall not only on the partners to the sin but also on their closest relatives, so that a man who commits incest may render himself responsible for homicide as well.

582 When it is forbidden for a man to have relations with a woman he may not, of course, marry her, and it will be simpler to begin this account by stating the Nuer table of marriage prohibitions. Marriage is not permitted between clansfolk, close cognates, close natural kinsfolk, close kinsfolk by adoption, close affines, and persons who stand to one another as fathers and daughters in the age-set system.

A man may not marry a clanswoman and *a fortiori* a woman of his lineage. Agnatic kinship is recognized between some clans, but it does not constitute a bar to intermarriage. The relationship is considered to be very distant and, in any case, the ancestor of the fraternal clans is believed to have cut an ox in twain to permit intermarriage between the descendants of his sons. Nuer accept the hypothesis that maximal lineages of the larger clans might one day split apart and marriage be allowed between them, but 'at present they are too close'. They say '*cike diel*', 'they have not yet reached ten generations (from their founder)'. They perceive that the limits of clan exogamy have been fixed arbitrarily and are not unalterable.

582 614 Clan exogamy is stated by Nuer in terms of clan symbols. Each clan has one or more spear-names, with which go certain honorific titles, and the spear-names of the bride's clan and the bridegroom's clan are formally shouted out at weddings. They must not be exactly the same, for this would mean that the marriage was a breach of the rule of clan exogamy. When a marriage is proposed between a youth and maid whose families are strangers the first

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inquiry made is into the spear-names of their clans. It sometimes happens that two unrelated clans have the same primary spear-names but have different secondary spear-names which serve to distinguish them ritually. It also sometimes happens that two maximal lineages of the same clan have different secondary spear-names, but in this case the secondary differentiation would not permit intermarriage. Nuer go into this matter very carefully if there is any doubt about clan relationship, as in certain circumstances there might be.

A man may not marry any close cognate. Nuer consider that if relationship can be traced between a man and a woman through either father or mother, however many female links there may be, up to six generations, though the number of generations is not absolutely fixed, marriage should not take place between them. An ox is believed to have been cut in two in ancient days to permit intermarriage between persons who are descended from a common ancestor beyond that point, so long as they are not agnates. Nuer explain that a man who is related to a woman as far back as six generations might still claim a small gift at her marriage, a clear indication that they cannot marry. If a proposed union is a borderline case a gourd may be ritually broken in half to end kinship. They then say '*bakena mar*', 'we split kinship', and '*ba bak ne kir*', 'it (kinship) is split with a gourd'. It should be noted, however, that a man cannot marry the daughter of a woman of his own maximal lineage even though the lines of himself and the mother converge at a point more than six generations back. Some clans permit marriage to the daughter of a woman of a collateral maximal lineage of the clan. Stated in a slightly different way, a man or woman may marry into his, or her, mother's clan but not into her maximal lineage. Other clans do not allow a man to marry into his mother's clan in any circumstances.

When, as often happens among the Nuer, the physiological father, the genitor, is a different man from the legal father, the pater, his sons will not marry into his minimal lineage because the physiological connexion is socially recognized by the payment to the natural father of a cow of the bridewealth of his natural daughters. They may, however, marry women of a collateral lineage. Close natural cognation of any kind is a bar to marriage. Thus I was told that a man would not marry the daughter of his *nar laka*, the natural son of his maternal grandfather.

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582 The adoption of a Dinka boy into a Nuer minimal lineage pre-
727 vents him from marrying into that lineage and he would normally
563 not be allowed to marry into a collateral minimal lineage of the same minor lineage, though such marriages sometimes take place, as is evident in the genealogy of Yakwac cattle camp opposite page 19. Some of my informants were of the opinion that he ought not to marry into the clan at all. If he is permitted to do so, to avoid the appearance of a breach of exogamy, the spear-name *mut jangemo*, spear of this Dinka, is called out in the invocation of the ghosts on the day of his wedding in addition to the clan spear-name which became his by adoption. By this means the spear-names of the bride and bridegroom, which are the same, are distinguished. Also when, as it sometimes happens, a captured Dinka boy is not adopted into his captor's lineage, men of this lineage cannot marry his daughter because some of the cattle of her bridewealth are due to them, since the Dinka will have married with their cattle. The sons of the captor count as paternal uncles in the distribution of her bridewealth, and other members of the lineage may demand gifts from the bridegroom's people.

Captured Dinka girls are not adopted into Nuer lineages and their captors can marry them, though they rarely do so. If the captor of a girl intends to marry her or to let one of his sons marry her he passes a spear-shaft between her legs, and then hands her over to another man to bring up outside his village, 'because if she were to remain in his homestead she would become his daughter'. Generally a captured girl is brought up a member of her captor's household and is regarded as his daughter. He rubs ashes on the back of a sheep and tells his ancestral ghosts that the girl is 'our daughter and our sister'. Nuer say: 'Thus she is taken into the family (*gol*) and becomes a member of the family.' They also say: 'She will become our daughter and we will receive her bridewealth-cattle.' The cattle of her bridewealth give her kinship with the persons among whom it is distributed, as does also her right to receive in return the cows of the paternal aunt on the marriage of the daughters of the sons of her captor and foster-father. Marriage is therefore forbidden between her descendants and the descendants of these kinsmen in virtue of bridewealth for several generations. She herself can be married to a clansman of her foster-father so long as her husband does not belong to his minimal lineage, which is to say so long as those who pay her bridewealth cannot also

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claim part of it, for those who can claim part of a girl's bride-wealth are kin to her. Nuer state these rules in terms of cattle.

A man may not take his wife's sister or any near kinswoman of his wife as a second wife. A man may be on familiar terms with his wife's sister, but sexual relations with her are incestuous and it is only permissible for him to marry her if his wife has died without having borne children. When I argued that there was no kinship between a man and his wife's sister, Nuer said that this was not true. 'What about the child?' they asked. They regard a man and his wife's sister as related through the child of the wife—for a woman is only fully married when she has a child and comes to live with her husband's people as their 'kinswoman', as they say, since her child is their child. Her sister is therefore also a kind of kinswoman, seeing that she is also the mother of their child. Your wife's sister being your child's maternal aunt is your sister (as we say, sister-in-law). Nuer also define this relationship in terms of cattle. When your daughter is married her mother's sister receives a cow of her bridewealth, and Nuer hold that she cannot both receive this cow and be your wife at the same time, especially as the cow is in some degree regarded as part of the bridewealth still owing from your marriage to your wife. Also, when your wife's sister's daughter marries, your wife will receive a cow and Nuer feel that there is something wrong about this cow coming to her if her sister is also her co-wife. In certain circumstances a woman may claim cattle on her sister's marriage, and in this case the man who pays the cattle would also be the receiver of them were a man to marry his wife's sister—a situation the Nuer regard as impossible. Hence Nuer say that a man may not marry his wife's sister either 'on account of her (the wife's) children' or 'on account of the cattle', which are different ways of saying that he cannot marry his child's maternal aunt. There is a further reason which would prevent a man from marrying his wife's sister while his wife is living, for, as will be explained later, a man may not have sexual relations with two closely related women at the same time. It follows that two brothers ought not to marry sisters or close cousins: 'That would be bad because if your brother died you could not take his wife.'

A man may not marry the daughter of an age-mate, a member of his age-set, 'because she is his daughter'. The blood age-mates have shed together into the ground at their initiation gives them a

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582 561 kind of kinship. In certain circumstances an age-mate may claim a cow, the *yang rica,* of the bridewealth of the daughter of one of his mates and a man may not be in the position of paying bride-wealth and being able to claim it. Nuer point out also that were a man to marry the daughter of an age-mate her parents would become his parents-in-law, and the respect he would have to show them would be incompatible with the familiarity with which he should treat age-mates and their wives and the liberties he may take with them. He could not, for instance, eat and drink in their home, an abstention in glaring contradiction to the behaviour expected of age-mates. The prohibition on marriage with the daughter of an age-mate imposes no inconvenience on Nuer, for there would always be a great difference in age between the man and woman, and this is, in any case, an obstacle to marriage seldom surmounted in Nuerland. Strictly speaking, a breach of this prohibition is not *rual* but Nuer say that it is 'like *rual*'. The prohibition is said to have been ordained by God, and it is believed that the guardian spirit of the age-set will avenge a breach of it. [606]

It is said that in the past a man would not have been allowed to marry the daughters of his father's age-mates, for they are in a sense his sisters. It is still not permissible for such a marriage to take place if both the fathers are alive, since this would mean that the two age-mates would enter into a relationship characterized by mutual reserve and in conflict with the egalitarian status of age-mates towards one another. When one of the fathers is dead marriage can take place, but in this case a cow, or more likely a sheep or goat, must be given by each family to the other. This exchange is in payment to the *ric*, the age-set, of the fathers to avoid evil consequences, the animal being called 'the cow of compensation (or atonement) of the age-set'. There is no clash between patterns of behaviour when one of the fathers is dead because the attitudes towards a member of a father's age-set and towards a father-in-law are both of respect.

582 The rules I have recorded above can be generalized by saying, as Nuer do, that a man may not marry a woman who is *mar*, kin, to him. In the rules prohibiting marriage, kinship is traced farther in some directions than in others and is of different kinds: the clan kinship of the common spear; the *buth* kinship of collateral lineage and of adoption; uterine kinship; kinship through the genitor; the kinship of cognation; kinship which the birth of a

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child creates between affines; the kinship acknowledged by acceptance of bridewealth; and the kinship by analogy of the age-set. 582

It will be noted that the wide range of Nuer marriage prohibitions has a certain correspondence with the kinship configuration of their local communities described in the last chapter. The balance there observed between the paternal side and the maternal side in the notion of *mar*, kinship, and its reflection in residential attachments is seen again in the conventions governing marriage. The assimilation of affinal to kinship ties, noted as significant in the local network of relationships, is also a significant feature of these conventions. The rules taken as a whole amount to this: a man must not marry kin (including affines), and as he is born and brought up in a circle of kin which normally embraces the people of his immediate neighbourhood, he is generally compelled to marry outside it. He is also compelled to look for sweethearts outside it; and I think that this is one reason why Nuer youths like to stay in the villages and camps of maternal and affinal relatives where they have greater freedom in sexual matters.

Nevertheless, however extensive the prohibitions may be, there must always be a point in each category of them at which a marriage can just be allowed or is just disallowed. In these borderline cases there is some latitude in interpretation of the prohibitions. Cases arise in which there is disagreement whether the genealogical distance between a suitor and the girl whom he wishes to marry is wide enough to permit marriage. It sometimes happens also that a girl's family raise an objection on the score of relationship that they would not have raised had they been better disposed towards the marriage. Indeed, this is a common way of telling a suitor politely that his suit is unwelcome—even when, in fact, there is no relationship which could be seriously urged against the union. It also happens that a distant relationship, which might have been adduced as a bar to marriage, is passed over by a girl's family if they consider the suitor a desirable son-in-law. I have been present at marriage negotiations when a kinsman, who was not satisfied with his share of the bridewealth, raised the objection of kinship, and later, when satisfied, waived it; and at another marriage when one kinsman of the bride urged that the union would be incestuous, while the other kinsmen held that it would not be so. When marriage is permitted in borderline cases of this kind a beast will generally be sacrificed to cut what 584

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582 One reason why this sometimes happens is that a man's sweethearts are frequently of his own age and Nuer usually marry girls younger than themselves. The prohibition on marriage to the daughter of a father's age-mate also influences a man's choice of a wife. Nevertheless, it is probably more usual for a man to choose [581] one of his sweethearts. Marriage is the purpose implicit in every romance.

584 Sometimes a girl herself makes a proposal of marriage. She goes with some companions of her sex to the kraal of her favourite and drives away several of his father's cows to her home. Her father knows what she wants when he sees her returning with the cows, and if he disapproves of the youth he will send them back. If he likes the young man he says nothing, and when several days have passed and the cattle have not been returned, the young man knows that the girl's people are willing to discuss the matter. A father does not care to refuse his daughter when she is very much in love with a man, even when he is not rich, in case she runs away from home or hangs herself. Another way in which a girl can make a public proposal of marriage is a custom of early dry-season camps. Youths of a camp take their favourite oxen to parade them, led by their younger brothers, round a neighbouring camp, while they chant poems behind them and make graceful leaps into the air (*rau*). A girl who loves a youth may on such an occasion seize his ox and remove its lead. By so doing she pledges the youths to return to a harp-dance on another day. She keeps the cord and attaches a metal ring to it. Its owner later sends a small brother to fetch it. This is tantamount to a proposal and acceptance of marriage, and if the young man has enough cattle the betrothal ceremony takes place soon afterwards.

831 The facts outlined in this section lead to two conclusions: that
581 there is wide sexual freedom before marriage, and that sex life is from the beginning stamped by cultural interests. Apart from rules of incest, adultery, and good form, there are no checks placed on the expression of sex from its earliest manifestations. Nevertheless, even at the outset the compass is set towards marriage and children. Simulated coitus between children is part of a game of domestic and marital relationships. After initiation, young men make love to girls as much as they can, but though there is much casual intercourse it is considered rather gross, and the aim of both youths and girls is to form attachments of the lover-sweetheart

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kind, in which coitus, when it takes place at all, is only part of a more complex relationship. The lover-sweetheart relationship has within it the purpose or pretence of marriage. Very likely a particular courtship will not develop into marriage, but courtship is the recognized prelude to matrimony, and if a youth wants favours from his sweetheart, he must persuade her of his intentions. A love affair tends, therefore, to be a marriage courtship, and for this reason the pattern of the husband-wife relationship in the first stage of married life intrudes into it, and the pair act towards one another with the conjugal reserve of this stage. So strong is the cultural idea of marriage that, though devoid of irksome restraint and inhibitions, the path of sex life runs from childhood towards that union and, though circuitous, leads always to wedding, home, and family. Marriage is the end of a full sex life. After he is married a man settles down to care of herds and gardens, and goes less and less to dances, and ceases to take much interest in girls. I was told that should he wish to have an affair with a girl his wife would have no objection and would probably help him in it. Women, on the other hand, once they are married, ought not to have relations with men other than their husbands.

Men now expect to marry younger than in the last generation, when, I was told, a man would not usually marry before he was 25 to 30. Fathers were wont to say that they would themselves marry again, for these young wives would in any case go to their sons when they were dead. At what age a youth marries today depends on the size of his family, his place in it, whether his father is dead, the size of his family herd, and other circumstances.

As a rule, girls marry round about 17 or 18, though one sometimes sees an unmarried girl of over 20. If a girl is betrothed early the wedding and consummation ceremonies are delayed. Women, therefore, have their first children at an age when they are well fitted to bear them. So long as a girl is married to a man with cattle she has fairly free choice of a mate. Much depends on whether the girl's family approve of the man's family. In theory, the parents choose their daughter's husband and only formally ask her consent, which she should give in duty to her parents, for marriage is not her business but the business of her menfolk. In fact, it is very difficult for parents to force their daughter to marry a man she dislikes, and strong-minded girls stand up against family pressure on this issue.

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582 In general, therefore, it may be said that if there is no kinship between a youth and a maiden and the youth's father has sufficent cattle, marriage is unlikely to be opposed by either family, unless there is bad blood between them. The first condition, however, makes it difficult usually for a man to find a mate in his own village, since, as we have seen, villagers are generally in one way or another kin. Also, a man is unlikely, except in parts of western Nuerland where some of the tribes are very small and there is much intercommunication between tribe and tribe, to marry outside his tribe, unless he lives near its border with another tribe, for he may then have relatives and friends on the other side of the border with whom he visits and on whom he can rely for help should difficulties arise about the return of his cattle in the event of divorce. Hence a man may generally be expected—I cannot give figures for the distribution of marriages—to take a wife from some village of his own tribe and within easy reach of his own village, that is to say, within his district or from among the people whom he habitually visits.

This fact, combined with the frequency with which Nuer live with their affines and maternal kin and their wandering and migratory tendencies, has produced a very great admixture within local groups of persons belonging to diverse lineages and tribal and foreign origins. It means also that, as I have already explained, any Nuer has kinship links of one kind or another with persons belonging to many different local communities. With each marriage these strands running from one community to another are increased and there results a complex network of kinship ties between members of opposed segments within the political structure.

II

583 Marriage among the Nuer is brought about by payment of bridewealth and by the performance of certain ceremonial rites. The rites cannot take place without the payments, but transfers of cattle do not by themselves bring about the union. Both are necessary, and they proceed in a connected movement towards the full establishment of the union. Each enforces and reinforces the other. The bride's people can, by holding up the rites, put pressure on the bridegroom's people to make the payments due to them,

2:Evans-Pritchard E-5 (1931, 1936) 1951
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wife to the name of a dead kinsman and is unable later to marry a wife in his own right, for, seeing that he enjoys the material benefits of marriage, his younger brothers must be allowed to marry from the family herd before he can contract a second, and legal, marriage. If he is ever rich enough to marry again he may feel that he must forgo the privilege in the interests of the sons he has raised up to his dead kinsman. He thus dies legally childless and it will be the duty of one of these sons to marry a wife to his name. In a case of this kind, it is more than ever incumbent on his sons to marry a wife to his name because he has died in possession of cattle. These cattle, *ghok jookni*, cattle of the ghosts, are sacred and in the special circumstances ought not to be used for any purpose other than marrying a wife to the name of their dead owner. When Nuer raid a herd to seize cattle in compensation for some injury they will not take cattle reserved for the marriage of a ghost.

Except in the circumstances I have just related, it is usually a younger brother who marries a wife to the dead. As brothers marry in order of seniority, it is fitting that when it comes to the turn of the dead man to take a wife the brother next junior to him should marry in his name. However, if the next brother is only a paternal half-brother they are likely to leave the pious obligation to a full brother who is yet younger.

The custom of marrying a wife to the name of a dead man makes obvious complications in the kinship system of the Nuer, for a child of the union is both a son of the man who is in the place of his pater and, in virtue of his attachment to his pater, stands also to him in a different relationship: father's brother's son, brother, brother's son, or maternal uncle's son.

A further complication arises when, as occasionally happens, a woman marries a wife to the name of a dead kinsman, usually of a dead uterine brother. It is said: *'Ce rode kwen ciek, ciek thok dwiel man'*, 'She has taken a wife to herself, a wife for the hut of her mother', that is to say, for her uterine brother. The persons involved in a marriage of this kind are the dead man, his kinswoman who marries a wife to his name, the wife, and the man who is brought in to cohabit with the wife. A woman may instead marry a wife herself and instruct the son of this marriage to marry a wife, when he grows up, for her brother (his paternal uncle, since the sister is his pater).

2:Evans-Pritchard E-5 (1931, 1936) 1951
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This is why a lineage is generally called a *thok dwiel*, the entrance to the hut—not the byre—or a *thok mac*, the hearth of the fire at which women cook—not that around which men sit and sleep.

There is involved here a contradiction between the dogma of the unity of brothers, which the Nuer so often enunciate, and both the lineage system and the common experience of family life. It is a cardinal teaching that all brothers are equal and undivided, for they are all sons of the same father and therefore, through their identification with him, equivalent in the lineage. Maternal descent does not count within the lineage and therefore ought not to count within the family, for by the agnatic principle in Nuer social life the family derives from the father. Hence, Nuer say, if your uterine brother and your paternal half-brother quarrel you must not enter the dispute on your uterine brother's side, because by so doing you divide the family. You split, as it were, the father.

That the huts do not divide the byre is particularly emphasized by, and in, the rule, previously referred to in our discussion of bridewealth, that brothers must marry in order of seniority of birth, a division by age reinforced by the distinctions of the age-set system, irrespective of whether in each marriage the cattle of the bridewealth came into the family herd from the previous marriages of the particular brother's full or half-sisters. Also, all the brothers must marry before any one of them takes a second wife. Even after the father is dead, opinion enforces this rule. It is only when, as rarely happens, there are enough cattle for a further marriage from the herd before the younger brothers are old enough to take wives that an elder brother may marry a second wife before they are married. When a man dies his eldest son takes his place as head of the family: 'He changes himself into something like their father.' It is then his duty to see that his unmarried brothers are not unfairly treated. Should the family disperse and one of the brothers attempt to take for himself all 'the cattle of the mother' of his uterine sisters' marriages, and refuse to allow them to be used for the marriage of a half-brother who is the senior of the unmarried sons of the family, it might prove difficult to prevent his doing so; but were he to do so, he would cut himself off from his brothers and paternal kinsmen. They would not any more assist him in his troubles and quarrels. 'They may even let him be killed unaided and recoup themselves for his past meanness

2:Evans-Pritchard E-5 (1931, 1936) 1951
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with the cattle they receive in compensation for his death.' This is the final and, to a Nuer, most frightful sanction.

Nuer feelings about this matter are reflected in their use of kinship terms. Although '*demar*' (or '*gatmar*') means 'my uterine brother' and '*gatgwar*' is the term for 'my father's son' (paternal half-brother), they almost invariably use the term for the uterine brother to refer to, or address, the half-brother and keep the term for 'father's son' to speak about or address paternal cousins. To address a father's son by the term for this relationship is regarded as very bad form because it makes a cleavage in the family. It would be even worse to call your full brother '*gatgwar*', 'my father's son'. The term would only be used for this person as an affectionate meiosis. In the same way, a man must not address his paternal half-sister by the term for this relationship ('*nyigwa*'), for '*nyagur e jen nyimor*', 'your father's daughter (paternal half-sister) is your mother's daughter (full sister)'. It is true, as will be seen in the next chapter, that there is a general tendency for Nuer to use kinship terms for persons who stand in a more distant relationship to those which they denote and that the terms '*demar*' ('*gatmar*') and '*nyimar*' are freely used for almost any person of a man's own generation, but Nuer particularly emphasize the need for this displacement in the case of half-brothers and half-sisters. Nuer have told me that they are so anxious not to distinguish between full and half-brothers that should a man go with his half-brother to visit his mother's sister's home, the young men of that home will make a point of greeting the half-brother first and of addressing him as '*gatmar*', 'son of my mother', before addressing their true mother's sister's son by this term (which correctly applies to him and not to his half-brother). I have earlier noted that the wife of one brother is spoken about as the wife of all the brothers and her children as the children of them all.

But although Nuer are constantly asserting the solidarity of the polygamous family, it is as evident to themselves as it is to the observer that things are often different. They recognize that whereas full brothers pool their resources, helping each other even to the point of forgoing their rights, paternal half-brothers insist on their rights and try to avoid their obligations, doing for each other only what self-interest demands of them. Nuer are not surprised at—they expect—coldness between half-brothers, and disagreements and disputes between them, and between paternal

581 complete it and yet more time between the consummation and the birth of a child. I do not
593 say that pressure may not be put on her by her family to accept her husband but parents who try to coerce their daughter run the risk that she will run away to the home of a distant kinsman and there elope with some man. They may lose their bridewealth. Nuer have good grounds for their assumption that a newly wed who has borne her husband a child and brought it to his hearth is satisfied with her mate. By the time a second child is born experience has shown that the pair are agreeable to one another also as domestic
[862] partners. As the Nuer observe a weaning taboo this means about three years after the birth of the first child.

581 Mutual goodwill between the families is also a necessary condition of a successful marriage.
60b Marriage is not only a conjugal relationship but also a set of affinal relations and it can be stable
593 only if the kin on both sides behave towards the other side in the manner expected of them. This they endeavour to do. A man tries not only to live up to the pattern of what the Nuer regard as a good husband but also to be a good son-in-law and his wife's father and mother try to be good parents-in-law to him. The relatives on both sides also try to behave towards those on the other side as persons standing in these relationships should do. It is the evocative and inhibitory action of these moral values, sanctioned by approbation and censure, which give stability to marriage and security to the family that derives from it. Divorce is due to failure of one or other of the parties to live up to the code of conduct expected of him, or her, and Nuer regard it as a misfortune in which there is also an element of the shameful.

• 582 Conjugal and affinal relations are personal
602 relationships which require adult adjustment that is not easy. A Nuer regulates his behaviour to the persons around him through kinship values of one kind or another. Owing to the extensive range of kinship ties covered by Nuer rules of exogamy it is impossible for a man to marry into a family or lineage with whom he has already existing kinship ties. He must marry the daughter of people who are under no obligation to provide

582 602 him with a wife, or, indeed, to assist him in any way in a society which recognizes no strong personal obligations other than those of kinship. In those simple societies in which there is preferential mating, a man marries in virtue of already existing kinship ties, into his kindred. Since among the Nuer these same ties constitute a bar to marriage a man must marry outside the circle of kin and must forge new social links which by their nature cannot at their inception be of a kinship order. Nuer bridewealth payments are thus complementary to their rules of exogamy.

Eventually affinal ties are, by slow degrees, transformed, as the Nuer themselves say, into kinship ties. The birth of a child gives the wife kinship with her husband's people and the husband kinship with his wife's people. As the Nuer say, *ruaa*, in-law relationship, becomes *mar*, kinship. Bridewealth payments are a technique for creating new social relations between persons between whom there are no well-defined patterns of behaviour and for maintaining them. They are one of the many ways in which gifts and payments are used for this purpose, and have this function, in primitive societies. Bridewealth may thus be thought of as providing a kind of social scaffolding, a temporary structure of behaviour patterns, which enables the union to be built up. It ceases to be of any great significance once the new family is firmly established after the birth of the second child.

584 The payments do not so much give stability to the union of marriage as they are a recognition of its stability. The parents do not accept a suitor unless they are satisfied that he has the qualities of a good husband and I have shown in an earlier paper on Nuer marriage ceremonies how the marriage is slowly formed through a series of ceremonies and rites, each marking a stage in the transference of the wife from her own people to her husband's people. Each rite is an acknowledgement that the marriage is a little more stable and complete and compells further payments, which are both an expression on the part of the husband's people of a sense of security and the means of bringing about the next rite and through it greater security. When the bride's

[p. 186 a]

584 people consent to hold the next ceremony they express by so doing their confidence in the final outcome. Marriage is not a single act. It is a succession of interconnected acts leading from courtship to the birth of children, and bridewealth is not a single payment but a succession of payments in response to the changing status of the wife and the increasing maturity of the union. As the Nuer see it, these payments continue long after the marriage is fully established and there is no question of repayment, whatever may happen, in the birth of calves and the progeny of these calves and of their progeny, a constant redocumentation which is balanced by the birth of children to the wife and of children to these children.

582 Bridewealth has so far been viewed as a social mechanism for organizing personal relations between the husband and his people on one side and the wife and her people on the other side. Some such organization is necessary because, given the Nuer rules of exogamy, there are no already existing patterns of behaviour within which the marriage can be effected. The rules of exogamy are themselves a function of the lineage structure of the Nuer and bridewealth has therefore also a structural role.

593 When a woman is married among the Nuer
684 she is transferred from one lineage to another. The husband alone has sex rights in her, but all his brothers and paternal cousins have residual sex rights and actual or potential domestic rights in her, and her children are born to his lineage. The husband's sex rights are evident in his right to claim damages for adultery. The proof of marriage, should proof be needed, in an adultery charge, and what therefore distinguishes a wife from a concubine, is that the woman "has cattle
593 on her back". This does not mean that it is payment of cattle alone which brings about the union. It is the rites of marriage which do that, for a man has no claim to compensation for adultery until the rites have reached a certain stage, even though he has paid cattle before that stage is reached. But the cattle are the certificate of marriage. The rights of the husband and any of his kin living with him to the domestic services of his wife are evident in the performing of them

7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

NUER RULES OF EXOGAMY AND INCEST[1]

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THE Nuer word *rual* means both incest and the misfortune which it causes. Syphilis and certain forms of yaws are believed to be especially a consequence of incest, though retribution may come in any form, from wild beasts, a spear, drowning, sickness, &c. These misfortunes can sometimes be avoided by sacrifice. On the other hand, they may fall not only on the partners to the sin (*dwer*) but also on their closest relatives, so that a man who commits incest may render himself responsible for homicide as well.

RULES OF EXOGAMY

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When it is forbidden to a man to have relations with a woman he may not, of course, marry her, and it will be simpler to begin this account by stating the rules of exogamy. Marriage is not permitted between clansfolk, close cognates, close natural kinsfolk, close kinsfolk by adoption, close affines, and persons who stand to one another as fathers and daughters in the age-set system.

A man may not marry a clanswoman and *a fortiori* a woman of his lineage. Agnatic kinship is recognized between some clans but it does not constitute a bar to intermarriage. The relationship is considered to be very distant and, in any case, the ancestor of the fraternal clans is believed to have cut an ox in twain to permit intermarriage between the descendants of his sons. Nuer accept the hypothesis that maximal lineages of the larger clans might one day split apart and marriage be allowed between them, but 'at present they are too close'. They say *Cike diel*, 'They have not yet reached ten generations (from their founder)'. They perceive that the limits of clan exogamy have been arbitrarily fixed and are not unalterable.

A man may not marry any close cognate. Nuer consider that if relationship can be traced between a man and a woman through either father or mother, however many female links there may be, up to six generations (*kath*), though the number of generations is not absolutely fixed, marriage should not take

[1] A preliminary account of this subject was given in a lecture delivered to the Royal Anthropological Institute on 20 November 1934 (summary in *Man*, xxxv (1935), 7).

[p. 85]

7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

582 place between them. An ox of the *ma jok thiang* colour is believed to have been cut in two in ancient days to permit intermarriage between persons who are descended from a common ancestor beyond that point, so long as they are not agnates. Nuer explain that a man who is related to a woman as far back as six generations might still claim a small gift at her marriage, a clear indication that they cannot marry. If a proposed union is a borderline case a gourd may be ritually broken in half to end kinship. They then say *Bakena mar*, 'We break kinship', and *Ba bak ne kir*, 'It (kinship) is broken with a gourd.' It should be noted, however, that a man cannot marry the daughter of a woman of his own maximal lineage even though the lines of himself and the mother converge at a point more than six generations back. Some clans permit marriage to the daughter of a woman of a collateral maximal lineage of the clan. Stated in a slightly different way, a man or woman may marry into his, or her, mother's clan but not into her maximal lineage. Other clans do not allow a man to marry into his mother's clan in any circumstances.

When, as often happens among the Nuer, the physiological father, the *genitor*, is a different man from the sociological father, the *pater*, his sons will not marry into his minimal lineage because the physiological connexion is socially recognized by the payment to the natural father of a cow of the bridewealth of his natural daughters. They may, however, marry women of a collateral lineage even where this would not have been allowed had their father been their *pater*. Close natural cognation of any kind is a bar to marriage. Thus I was told that a man would not marry the daughter of his *nar laka*, the natural son of his maternal grandfather.

582 597 The adoption of a Dinka boy into a Nuer minimal lineage—an event which very frequently takes place—prevents him from marrying into that lineage, and he would normally not be allowed to marry into a collateral minimal lineage of the same minor lineage.[1] Some of my informants were of the opinion that he ought not to marry into the clan at all, but marriages of adopted Dinka into collateral major, and even minor, lineages undoubtedly take place sometimes. When this happens it is permitted because Nuer hold of adoption that 'It stops there (in

[1] An instance of a marriage of this kind is given in 'The Nuer: Tribe and Clan', *Sudan Notes and Records*, xvii (1934), p. 15.

7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

the joint family) and remains in their lineage (minimal), it would not jump over their fire-place (joint family) to a collateral lineage'; but to avoid the appearance of a breach of exogamy the spear-name *mut jangemo*, spear of this Dinka, is called out in the invocation of the ghosts on the day of the adopted Dinka's wedding in addition to the clan spear-name which becomes his by adoption. By this means the spear-names of the bride and bridegroom, which are the same, are distinguished. A man and woman with the same spear-name cannot marry, because this is evidence of common clanship. Also when, as it sometimes happens, a captured Dinka boy is not adopted into his captor's lineage, men of this lineage cannot marry his daughter because some of the cattle of her bridewealth are due to them, since the Dinka will have married with their cattle. The sons of the captor count as paternal uncles in the distribution of her bridewealth, and other members of the lineage may claim some part of it. Captured Dinka girls are not adopted into Nuer lineages and their captors can marry them, though they rarely do so. If the captor of a girl intends to marry her or to let one of his sons marry her he passes a spear-shaft between her legs and then hands her over to another man to bring up outside his village 'because if she were to remain in his homestead she would become his daughter'. Generally a captured girl is brought up a member of her captor's household and is regarded as his daughter. He rubs ashes on the back of a sheep and tells his ancestral ghosts that the girl is 'our daughter and our sister'. Nuer say: 'Thus she is taken into the household (*gol*) and becomes a member of the household.' They also say: 'She will become our daughter and we will receive her bridewealth-cattle.' The cattle of her bridewealth give her kinship with the persons among whom it is distributed as does also her right to receive in return the cows of the paternal aunt on the marriage of the daughters of the sons of her captor and foster-father. Marriage is therefore forbidden between her descendants and the descendants of these kinsmen in virtue of bridewealth, for several generations. She herself can be married to a clansman of her captor and foster-father so long as her husband does not belong to his minimal lineage, which is to say, so long as those who pay her bridewealth cannot also claim part of it, for those who can claim part of a girl's bridewealth are kin to her. Nuer state these rules in terms of cattle.

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7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

582 607 A man may not take his wife's sister or any near kinswoman of his wife as a second wife. A man may be on familiar terms with his wife's sister but sexual relations with her are incestuous and it is only permissible for him to marry her if his wife has died without having borne children.[1] It is said that were he to do so the children of the marriage would die. When I argued that there was no kinship between a man and his wife's sister Nuer said that this was not true. 'What about the child?' they asked. They regard a man and his wife's sister as related through the child of the wife—for a woman is only fully married when she has a child and comes to live with her husband's people as their 'kinswoman', as they say, since her child is their child. Her sister is therefore also a kind of kinswoman since she is also the mother of their child. Your wife's sister being your child's maternal aunt is your sister (as we say, sister-in-law). Nuer also define this relationship in terms of cattle. When your daughter is married her mother's sister receives a cow of her bridewealth, and Nuer hold that she cannot both receive this cow and be your wife at the same time, especially as the cow is regarded as part of the bridewealth still owing from your marriage to your wife. Also, when your wife's sister's daughter marries, your wife will receive a cow, and Nuer feel that there is something wrong about this cow coming to her if her sister is also her co-wife. In certain circumstances a woman may claim cattle on her sister's marriage, and in this case the man who pays the cattle would also be the receiver of them were a man to marry his wife's sister—a situation the Nuer regard as impossible. Hence Nuer say that a man may not marry his wife's sister either 'on account of her (the wife's) children' or 'on account of the cattle', which are different ways of saying that you cannot marry your child's maternal aunt. There is a further reason which would prevent a man from marrying his wife's sister while his wife is living, for, as will be explained later, a man may not have sexual relations with two closely related women at the same time. It follows that two brothers ought not to marry sisters or close cousins: 'That would be bad because if your brother died you could not take his wife.'

582 561 A man may not marry the daughter of an age-mate, a member

[1] A single case of marriage to two sisters at the same time was recorded. A well-known magician on the Sobat river defied the prohibition. When, however, one of his daughters fell sick with syphilis, or yaws, he gave up the second sister.

7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

of his age-set, 'because she is his daughter'. The blood age-mates have shed together into the ground at their initiation gives them a kind of kinship. In certain circumstances an age-mate may claim a cow, the *yang rica*, of the bridewealth of the daughter of one of his mates, and a man may not be in the position of paying bridewealth and being able to claim it. Nuer point out also that were a man to marry the daughter of an age-mate her parents would become his parents-in-law and the respect he would have to show them would be incompatible with the familiarity with which he should treat age-mates and their wives and the liberties he may take with them. He could not, for instance, eat and drink in their home, an abstention in glaring contradiction to the behaviour expected of age-mates. The prohibition on marriage with the daughter of an age-mate imposes no inconvenience on Nuer, for there would always be a great difference in age between the man and woman, and this is, in any case, an obstacle to marriage rarely surmounted in Nuerland. Strictly speaking, a breach of this prohibition is not *rual* but Nuer say that it is 'like *rual*'. The prohibition is said to have been ordained by God and it is believed that the guardian spirit of the age-set (*kwoth ricdien*) will avenge a breach of it.

It is said that in the past a man would not have been allowed to marry the daughters of his father's age-mates, for they are his sisters. It is still not permissible for such a marriage to take place if both the fathers are alive, since this would mean that the two age-mates would enter into a relationship characterized by mutual reserve and in conflict with the egalitarian status of age-mates towards one another. Thus Nuer may be heard to say of such a set as the Wangdel, 'The Karamni marry their daughters, we the Piluali do not', meaning that the Karamni, who belong to the set next junior to the Wangdel, would not be their sons, whereas the Piluali, who belong to the next set but one, would be mostly their sons. When one of the fathers is dead marriage can take place but in this case a cow, or more likely a sheep or goat, must be given by each family to the other. This ritual exchange is in payment to the *ric*, the age-set, of the fathers to avoid evil consequences, the animal being called 'the cow of compensation (or atonement) of the age-set'. There is no clash between patterns of behaviour when one of the fathers is dead, because the attitudes towards a member of a father's age-set and towards a father-in-law are both of respect.

7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

582 624 For completeness it must be mentioned that a leopard-skin chief may not marry into the family of another leopard-skin chief, even though they are unrelated. It is said 'Their blood is still in the earth and in the leopard-skin' and as they all walk on the earth and wear the leopard-skin they have a kind of blood relationship. This rule can be related to that which prevents a leopard-skin chief from performing his usual ritual functions in cases of homicide if the parties to such a case both belong to families of leopard-skin chiefs. It has no great significance for the present discussion, because leopard-skin chiefs who live near enough to one another to marry into each other's families are likely to belong to the same clan.

582 The exogamous rules I have recorded above can be generalized by saying, as the Nuer do, that a man may not marry a woman who is *mar*, kin, to him. In defining exogamy kinship is traced farther in some directions than in others and is of different kinds: the clan kinship of the *mut*, the common spear; the kinship of *buth*, of collateral lineage and of adoption; uterine kinship; kinship through the *genitor*; the kinship of cognation, *mar* in the usual sense of the word; kinship which the birth of a child creates between husband and wife; the kinship acknowledged by acceptance of bridewealth; and the kinship by analogy of the *ric*, the age-set, and the *twac*, the leopard-skin.

In this essay I am stating the rules of exogamy, and it is sufficient to say that in borderline cases they allow of some latitude in interpretation without going into further detail than is required to record the grounds on which latitude is sometimes allowed. Cases arise in which there is disagreement whether or not the genealogical distance between a suitor and the girl whom he wishes to marry is wide enough to permit marriage. If it is permitted a beast will generally be sacrificed to cut what kinship there may be held still to be between them. In doubtful cases it may be taken into consideration that some of the links between the pair are those of adoption or of ghost-parentage and not of consanguinity. Also, if there is some doubt about the correctness of a union it is sometimes held to be less questionable if the bride and bridegroom do not belong to the same residential groups. Exceptions to the general principles of exogamy do not invalidate them, for the rules are acknowledged even in
582 the breach of them. Thus I have known of a peculiar marriage
588 into the clan in which, on the day of the wedding, tribute was

7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

paid to the prohibition on intra-clan marriage by omitting the traditional calling out of the spear-names of bride and bridegroom at the invocation of the ghosts.[1]

INCEST

It is not incestuous for a man to have relations with the daughters of men of his father's age-set and he would not hesitate to make love to them. In all other cases where it is forbidden for a man to marry a woman standing in a certain relationship to him it is also forbidden to him to be intimate with her, though the prohibition has not always the same force or extension. Before discussing the different degrees of seriousness with which Nuer view breaches of the various rules I will mention the other relationships which carry the incest taboo besides those already recorded which exclude marriage either absolutely or contingently.

Nuer consider it to be *rual* for a man to have relations with the wives of any close living kinsmen, except, as is explained later, the wives of some patrilineal kinsmen. The worst incest of this kind is with the wives of the father (even if he is a ghost-father), uterine brother, son, and maternal uncle. It is considered almost as bad as relations with a sister and entails the same consequences. Relations with the mother's co-wife (father's wife) are thought to be unusually shocking because the father has relations with her and afterwards with the mother, carrying the son's contact with the co-wife to the mother. It is also *rual* to have relations with the wives of the sons of the maternal uncle and of the paternal and maternal aunts. Relations with the wives of affines, such as a second wife of the sister's husband, are also regarded as incestuous. It is only congress with wives of the paternal uncles, paternal half-brothers, and paternal cousins, which are spoken of without opprobrium. The worst that is said about congress with the wives of these kinsmen is that it is a *rual ma tot*, a slight incest, which will not injure the partners to it. It might harm the women's babies, but it is thought that even this penalty can be

[1] The husband was the son of a man of the Gaatnaca clan but had been begotten in ghost-marriage by his *pater*'s sister's son, a man of the Gaatgankir clan. The wife's *pater* was a woman of the Gaatnaca clan (of a different lineage). She had married a 'wife' to raise up children to herself by an unrelated man. In spite of there being no consanguinity between husband and wife the marriage could not have taken place had the wife's *pater* been a man. As it was, it was subjected to criticism.

835 684 critical comment, might then have entailed risks. Even then Bul might have taken the risks, claiming that the child was *dieth laka*, born in concubinage, and therefore not a true brother if his *genitor* did not pay a fee to legitimatize him: 'Their spears [spear-names] are different: it is not real kinship.' In Jikany country I recorded the following case. A man died and his widow went to live with his brother. A third brother died and there was talk of the living brother taking his widow also; but he did not do so on the objection being raised that both widows belonged to the same clan and that he had already begotten a child by the first one. In another case, also in Jikany country, a man of the Gaajak tribal area begat a child by his brother's widow, a Gaatgankir clanswoman of the Gaajok tribal area. When he came to live in the Gaajok tribal area he began affairs with two girls but gave them up when he found that they belonged to the widow's clan, lest relations with them might injure his child. A man cannot take as a concubine a woman who has borne a child in concubinage to one of his close kinsmen.

SOME OBSERVATIONS

835 ●582 I now make some general observations, within the scope of this essay, on Nuer exogamy and incest, or about the Nuer concept of *rual*. Nuer say that marriage to persons standing in certain relationships is forbidden because it would be *rual*, incestuous. Speaking sociologically, I think we may reverse this statement and say that sexual relations with persons standing in these relationships are considered incestuous because it would be a breach of exogamy to marry them. I would hold that the incest taboo can only be understood in the light of the rules of exogamy and that these rules are to be explained by their function in the Nuer kinship system and in their whole social structure.

835 It is evident that the incest prohibition is not derived from notions of consanguinity only, or even to any extent, but from a social definition of kinship. There is no consanguinity between a man and his wife's sister, between an adopted Dinka boy and the daughter of his foster father's brother, between a man and the daughter of one of his age-mates, and, necessarily, between a ghost-son and the women of his clan. The Nuer incest prohibition is a prohibition of sexual relations within relationships of certain kinds, and I contend that it is to be regarded primarily

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as a way of providing a moral norm, a reason, and a sanction for the exogamous regulations of their society and is therefore a product of their social structure.

It is true that extra-marital relations between clansfolk who do not belong to the same lineage do not occasion great concern, but I do not think that this invalidates the contention, for though they take place they are none the less *rual*, and the toleration of the breach of the taboo merely means, as it does in other cases in which a breach is tolerated, that the nearer we get to the point at which marriage is permitted the less stringent becomes the prohibition of sexual relations. It must also be remembered that agnation is recognized beyond the clan and between clans and that the Nuer themselves recognize that the limits of exogamy are arbitrarily fixed. That sexual relations with distant clanswomen are little condemned shows that we are dealing with a prohibition the strength of which is relative to the structural positions of the persons concerned, just as is the force of customary law among the Nuer, and that the prohibition of marriage is more fundamental and comprehensive than the prohibition of sex relations, which is secondary and, I would hold, derivative. That it is the rules of exogamy and not the rules of incest which are basic is further illustrated by the prohibition, at the present day a qualified prohibition, on marriage with the daughter of a father's age-mate, for sexual relations between men and women standing in this relationship to one another are entirely free from any stigma and if either father is dead marriage may take place.[1]

It is true also that Nuer call *rual* relations with women already married to kinsmen, and because they are married to kinsmen, and that they cannot be counted as possible mates to whom any rule of exogamy could apply. But it must be pointed out that Nuer bring wives of kinsmen within the field of kinship values, not only in that they address them by kinship terms, but also, and more significantly, by reference to their children, for according to Nuer ideas marriage is only a complete union when a child has been born of it. Mothers through their children become kinsfolk and are thus brought within the circuit of the incest

[1] Although Nuer declare 'You cannot make love to the daughter of an age-mate because you call her *nyada* ("my daughter")', the prohibition is not emphasized, since there would be little chance of a man obtaining the favour of a girl so much younger than himself in any other way than by marrying her with cattle, which is forbidden.

aunt's son makes for confusion within the kinship system, which is a system of personal relations of a different kind to lineage relations. Two sisters are potentially members of different lineages, those of their future husbands, which they join and to which they bear children. The position of the uterine brother is peculiar, because full brothers are not just 'bulls' to one another, members of the same lineage: they are maternal kinsmen as well as paternal kinsmen, and sexual relations with each other's wives seem to the Nuer to involve in some way the mother, an idea which is repugnant to them.

These interpretations may be unacceptable to the reader. If so, he can disregard them without rejecting the main conclusion from which they are inferred. It is clear that the rules of exogamy, by differentiating between persons in Nuer society, indicate kinship status and are one of the most effective means of doing this and thereby of maintaining the kinship system, which is based on the distinctions between the various categories of relationships. The rules of exogamy prevent confusion between one relationship and another and the contradiction such confusion would cause between the patterns of behaviour in which the relationships are expressed. This conclusion is contained in the statements, some of them recorded in this essay, of Nuer themselves, who see that it is undesirable to obliterate or confuse the boundaries between kinship categories. Were marriage with the wife's sister permitted, to the child of it the mother's sister would also be the father's wife; were a man to marry the daughter of an age-mate his age-mate would also be his father-in-law. But if the wife has died childless marriage with her sister is permitted because the relationship of a man to his child's mother's sister is no longer at issue, and if one of two age-mates is dead the son of one may marry the daughter of the other because the fathers can no longer be brought into a relationship of affinity. This explanation of exogamous rules holds not only for the Nuer but, as Professor Radcliffe-Brown has taught for very many years, for all societies.

The consistency between the Nuer rules of exogamy and the payment of bridewealth and its distribution, the ritual of marriage, and the laws of marriage and descent cannot be discussed here. I can only say that the payment, the ritual, and the laws could hardly exist in the form in which they do exist were it not for the coexistence of the rules of exogamy I have recorded in this essay.

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community of kindred every member of which regulates his behaviour to every other member in accordance with a variety of kinship patterns and can predict their behaviour to himself in conformity with the same norms.

When a local community becomes in this way a network of kinship ties it is necessary, so varied and extensive are the relationships which come under the exogamous ban, to marry outside it, so that not only is the social autonomy of lineage groups prevented by the rules regulating marriage but also the social autonomy of residential groups. Kinship ties thus cross the gaps in political structure and unite members of opposed segments of it. Every political group of whatever size has a wider social setting outside its boundaries.

Local communities become therefore groups of people who, being all interrelated in one way or another, must marry into a different local community. This happens because the Nuer make any kind of cognatic relationship to several degrees a bar to marriage and, at least so it seems to me, it is a bar to marriage because of the fundamental agnatic principle running through Nuer society. In any Nuer residential group, of whatever size, there is a great variety of personal ties of a kinship order bringing its members into a texture of relationships, but the warp of the texture is the agnatic lineage and to it everyone attaches himself locally. If a man is not a member of the lineage with which he lives he makes himself a member of it by, in one way or another, treating a maternal link as though it was a paternal one. The lineage is thus in its corporate character a composite structure of cognatic branches and attachments in which the value of agnation is the integrating principle. The solidarity of a group of persons living together, and thereby the lineage structure which contains them, is maintained by emphasizing cognation in the rules of exogamy.

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562 584 dislikes simply because they are avaricious for the many cattle he possesses or wish to link themselves to some important family. More often control is exercised in the form of a prohibition rather than positive compulsion. In other words, although they will not use force to compel her to marry a man she detests, they will not allow her to marry the man she loves if he has not sufficient cattle to provide the bridewealth. Whether or not they will take this attitude depends on a variety of circumstances. Some Nuer girls are headstrong and of independent spirit and will not allow their wills to be thwarted by the conventions of the bridewealth system. They therefore live as they please with lovers of their own choice and without either the sanction of bridewealth or the ritual processes of marriage which go with it.[1] A woman of this sort is known in Nuer as *ciek me keagh*. The circumstances in which a woman becomes a *ciek me keagh* are many. Any woman who lives with a man without payment of bridewealth (either on his own behalf or on behalf of the man who is considered her legal husband) is called *keagh*, but she may not be of the restless independent spirit which characterizes most of these women. She may be a young girl who has borne a child to a man who refuses to marry her, though this is rare, or a woman who simply cannot stand life with the husband of her family's choice and has therefore run away and provoked a divorce.

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Women who are *keagh* are not regarded as immoral in our sense of the word in these circumstances, but their families are naturally often exasperated by their behaviour and disappointed that no bridewealth cattle have been paid for them. Their social position as unmarried concubines is not generally so high as that of married women, but no distinction is made in the every-day behaviour of their neighbours towards them. The basic difference between widow-concubines and unmarried concubines is that in the former case bridewealth has been paid, even though it has not been paid by the man with whom they live and by whom they produce children. In the latter case bridewealth has not been paid at all or has been returned in divorce.

3. NOTE ON THE RULES OF EXOGAMY AND INCEST

582 684 835 An account of Nuer marriage laws would not be complete without mention of the laws of exogamy. It must be stated at once, however, that breaches of the rules of exogamy and incestuous extra-marital intercourse are not generally the subject of dispute or of litigation in the courts. Both parties are equally guilty, there is no question of compensation, and the spiritual contamination which is considered to follow incest (*rual*) and which is manifested in physical disorders

[1] For this reason Nuer do not go to extreme lengths of compulsion for, if the girl runs away, they will lose the chance of getting any cattle at all.

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(*nueer*), sometimes resulting in death, falls equally on both parties and even upon their relatives. There are therefore strong social and ritual sanctions. For the purposes of this Manual I shall do no more than summarize the laws of exogamy, and refer the reader to published literature on the subject.

Nuer clans and lineages are exogamous. The patrilineal descendants of a common ancestor may not intermarry. The laws of exogamy extend farther than this and include persons who are closely related by marriage; persons related by blood but not legal kinship; and, finally, persons standing in a particular social relationship to each other. The prohibited degrees of relationship and other circumstances may be summarized as follows:

(i) A man may not marry or have sexual intercourse with a clanswoman, and therefore with a woman of his lineage. The limits of clan exogamy are not, however, so rigid as to be unalterable. If the ancestral link is remote (beyond ten generations or so) the prohibition may be ignored or effectively removed by appropriate sacrifice and prescribed ritual.

(ii) A man may not marry or have sexual intercourse with a woman who is a clanswoman of his mother. This prohibition is not, however, carried back beyond six or seven generations.

(iii) As we have seen, a Nuer may be the legal son of one man and the physiological son of another. The prohibited degrees recorded above would apply to the Nuer through his legal father, but the relationship of the *genitor* to his natural child has a degree of social recognition, and it is also not permissible to marry a close kinswoman of the *genitor*. The extent of this prohibition is not as wide as that created by legal kinship.

(iv) Adoption, especially of Dinka children, is a common occurrence[1] among the Nuer, and the links created between father and adopted child receive social recognition and ultimately legal recognition amounting to true kinship.[2] A man would not be allowed to marry or have sexual intercourse with a kinswoman of his adopted father, though in the initial stages this prohibition would be less extensive. In the next generation it would probably be identical, for a man who is fully adopted into a Nuer lineage assumes all the characteristics of that lineage, and in the future his origin may be forgotten. Similarly, an adopted girl would not marry into the lineage of her adoption, and would be bound by the same prohibitions. The reason here is clearer. Members of the lineage of her adoption would be the recipients of her bridewealth cattle and could not also be her relatives-in-law.

[1] Obviously more common in the past.

[2] See also under Homicide, Chapter II, p. 56. The distinction between *jaang dhor* and *jaang cieng* is relevant.

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(v) A man may not marry again into his wife's lineage. Nuer say that a man may not have intercourse with two closely related women at the same period of time. The link is really through the children; a man may not marry his wife's sister because she will also be the maternal aunt of his children and entitled to a portion of the bridewealth of his daughters. A confusion of status of this kind must be avoided.

(vi) A man may not marry the daughter of an age-mate. Common initiation brings about an association similar to kinship. This is symbolized in the giving of the 'cow of the age-mate' (*yang ric* or *ruath ric*).[1] To marry the daughter of any age-mate is to bring him into the category of father-in-law; the avoidance due to the latter is incompatible with the conventional familiarity which exists between age-mates.

Professor Evans-Pritchard summarizes these rules in an article on the subject.[2] He says:

> The exogamous rules ... can be generalized by saying, as the Nuer do, that a man may not marry a woman who is *mar*, kin, to him. In defining exogamy kinship is traced farther in some directions than in others and is of different kinds: the clan kinship of the *mut*, the common spear; the kinship of *buth*, of collateral lineage and of adoption; uterine kinship; kinship through the *genitor*; the kinship of cognation, *mar* in the usual sense of the word; kinship which the birth of a child creates between husband and wife; the kinship acknowledged by acceptance of bridewealth; the kinship by analogy of the *ric*, the age-set, and the *twac*, the leopard-skin.[3]

We shall see that the greatest care is taken during the social processes of marriage to avoid any possible breach of these rules,[4] and it is unlikely that a bar to marriage would be discovered subsequently, at any rate one which involves a prohibition sufficiently strong to be unavoidable. Unless the relationship is singularly remote, however, the union would be dissolved without further delay and the appropriate ritual of appeasement and decontamination performed. This is usually performed by a Leopard-Skin Chief, who neutralizes the effects of the breach of taboo. A cow is sacrificed to the ancestral spirits, and the whole carcase divided into halves,[5] one half being consumed by the relatives of the man, the other half by the relatives of the woman. The presence of the Leopard-Skin Chief and the fact that a cow (possibly only a barren one) is sacrificed would indicate that the breach is a serious one and likely to bring great misfortune to the people concerned. As Professor Evans-Pritchard points out, the value of the sacrifice is

[1] See p. 110.

[2] *Social Structure: Studies presented to A. R. Radcliffe-Brown*, Oxford, 1949.

[3] Evans-Pritchard points out that 'a leopard-skin chief may not marry into the family of another leopard-skin chief, even though they are unrelated'. This contention may be true of Lou and eastern Nuer, where Leopard-Skin families are few, but I doubt whether it is applied in the western parts of Nuerland, where they are more common.

[4] See pp. 87, 91, 92

[5] *Yang me bak he ruai*, 'the cow of dividing for incest'.

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usually an indication of the seriousness of the breach. For less serious offences of this sort, a smaller animal would be sacrificed, a bull-calf or a ram, and the ritual performed by the kinsmen of the parties concerned would be less elaborate. In some cases it is sufficient to cut in two a wild fruit known in Nuer as *kwol*. I think that the Leopard-Skin Chief is called in more usually when a legal union between persons within the prohibited degrees has taken place, and not in cases of extra-marital intercourse which will not continue. These ceremonies may also be performed before the union takes place, but clearly only in borderline cases where the relationship of the parties is so remote as to be almost fictitious. Similarly, as already mentioned, it would be performed if the impediment were discovered subsequent to legal marriage, but again the union would be unlikely to continue unless the relationship was exceptionally remote, especially, as is so often the case, if disasters (infant mortality or sickness in the family and other misfortunes) have occurred and have been attributed to this cause after searching investigation. As a ground for divorce, should both parties demand it, a breach of the exogamy rules would be indisputable, and I think that a Nuer court would nowadays grant a divorce without much argument.[1] This is, however, a matter of conjecture only, as I have only known one case of divorce brought before the courts for this reason, and then there were circumstances unconnected with exogamy which would have made the dissolution of marriage inevitable. Such matters are strictly limited to the families, or at most to the lineages, of the parties concerned, and are not usually brought to light in a public manner.

We have so far been principally concerned with the laws of exogamy and the prohibition of legal union between persons who fall within the forbidden degrees. We have seen also that these laws are relative to the position in the social and kinship structure of the persons concerned, and if their relationship is sufficiently distant, the prohibition may be permanently cancelled by the performance of sacrifice and ritual. In any case the consequences (*nueer*) may be thus avoided, even if the ritual is not sufficiently effective to ensure a safe continuance of the union. These rules also apply to extra-marital and illicit sexual intercourse, though not necessarily with the same force, and the consequences of infringement may be less serious. There is also an obvious difference between a casual act of sexual intercourse which is not repeated, and intercourse which results in the pregnancy of the woman. The birth of a child in such circumstances is a permanent reminder of the offence, and because the child is a link between the mother and the physiological father the situation is more dangerous. There is a confusion of legal and social status which at all costs must be avoided. Among the Nuer such difficulties can

[1] See also under Dissolution of Marriage, p. 146.

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still be overcome by suitable sacrifice, but the implications are clearly more serious.[1]

Incestuous intercourse may sometimes be relevant to disputes which arise in the courts. Examples of this will be seen later.[2] I do not propose to digress further on the subject of exogamy and incest, because the laws of exogamy are not in themselves a subject for dispute. There is now adequate published literature on the subject,[3] of which I have no criticisms to make and little except detailed information to add.

4. THE SOCIAL AND RITUAL PROCESSES OF MARRIAGE

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The transfer of cattle as bridewealth does not in itself constitute marriage, although it is certainly the most significant aspect of marriage from the legal point of view. Nuer marriage is a protracted affair involving many negotiations and ceremonial meetings. Those social and ritual processes which are described here apply to the simplest form of legal marriage and the simplest situation therein possible. The same principles are involved in 'ghost-marriage', that is marriage by a living person on behalf of a dead relative, but in leviratic marriage and in what Professor Evans-Pritchard has classed as 'widow-concubinage' there is naturally no repetition of the ceremonies which were carried out by the widow's husband in his lifetime and naturally, too, no further payment of bridewealth. In other forms of union, which are not legal unions, no ceremonies similar to those of true marriage are possible.

The description which follows is applicable to a normal Nuer youth[4] who wishes to marry a normal Nuer girl and has sufficient cattle to do so, and in such cases, unless the union is prearranged by the parents, the youth has probably met his future bride at the dances

[1] Among some African tribes children born in incest would be destroyed. It is reported of the eastern Dinka that children born in such circumstances are sold to the Murle. There is, however, no published evidence to substantiate this statement. The idea of infanticide, except perhaps in the case of deformities, is, so far as I know, alien to Nuer ideas.

[2] See p. 164.

[3] Evans-Pritchard, *The Nuer*, Oxford, 1940, pp. 6, 17, 192, 202, 225–8, 235, 257; in *Social Structure: Essays presented to A. R. Radcliffe-Brown*, Oxford, 1949. Further information will be found in various articles by the same author: 'Nuer bridewealth', *Africa*, XVI, 4, 1946; 'Nuer Marriage Ceremonies', ibid., XVIII, 1, 1948; 'Some aspects of Marriage and the family among the Nuer', *Rhodes-Livingstone Paper*, No. 11, 1945; and more recently in *Kinship and Marriage among the Nuer*, Oxford, 1951.

[4] Certain categories of persons who are considered abnormal, by reason of circumstances in their birth, have extra ritual to perform. Thus twins have to undergo special ceremonies; see Evans-Pritchard, 'Customs relating to Twins among the Nilotic Nuer', *Uganda Journal*, Vol. III, 3, 1935. Also a person whose father has been struck by lightning and killed.

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Kec Kwoyok v. *Weir Lam* (*Leik Nuer Case*)

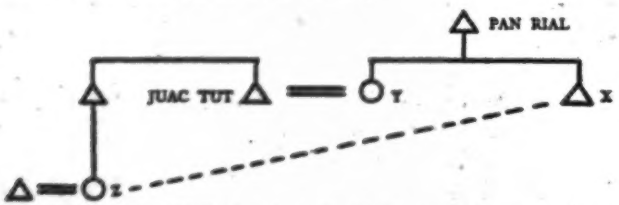
Kec married Weir's sister. During the five years of their marriage she bore only one child, and Kec demanded a divorce. This was refused by the Leik court, but allowed two years later by the appeal court. In this case all cattle were returned to Kec with the exception of sufficient to retain legitimate parenthood of the child.

Kelwal Tutrol v. *Kong Kepkeap* (*Bul Nuer Case*)

Kelwal married Kong's daughter. There were no children of the union, and Kong demanded a divorce for his daughter on the grounds that Kelwal was impotent. Kelwal appealed to the court against this demand, but judgement was given against him.

This case is simple enough, but illustrates clearly that impotence or sterility on the part of the husband is equally a ground for divorce. It also shows that Nuer are interested in the children of their daughters, although they will belong legally to another lineage.

Juac Tut v. *Pan Rial* (*Leik Nuer Case*)



Juac Tut married Pan Rial's daughter Y. X, Y's brother, committed adultery with Z, Juac's brother's daughter. Juac then demanded a divorce from Y on the grounds that the act was virtually incestuous. On the first hearing the court refused the divorce, but on appeal all bridewealth cattle were returned to Juac.

Breaches of this sort of conventional behaviour and normal obligations between relatives-in-law are often compounded by payment of gifts and, in the case of incest, by ritual expiation.

Impediments to Marriage Discovered Subsequently

Two other exceptional circumstances which sometimes result in divorce must be mentioned.

Incest

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At any stage of the marriage it may be discovered that the union is incestuous (*rual*), in which case, unless the consanguinity is extremely remote, the marriage must be instantly dissolved. Such an occurrence must be rare[1] among the Nuer, for we have already seen how

[1] Within my own personal experience in Nuerland, I have only known of one case in which a marriage had to be dissolved owing to kinship between husband and wife. At the same time such cases are unlikely to appear before the courts or be the subject

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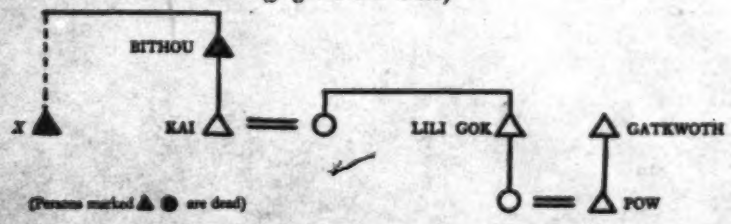
elaborate precautions against such a contingency are taken at the wedding ceremonies. By previous enquiry and by public invocation of the names and distinctions of the clan at all stages of the process of marriage great care is taken to avoid a breach of the rules of exogamy. There is no great condemnation of extra marital sexual relations with distant clanswomen, and the degree of disapproval and of the severity of the consequences is relative to the position in the kinship structure of the persons concerned. The prohibition of a legal union in such circumstances is more constant, and the discovery of any kinship tie which would normally be an impediment to marriage nearly always necessitates dissolution. There are ritual means by which the contamination may be neutralized, but the risk involved in the continuance of permanent union would be considerable, for the Nuer do not consider that the ritual is infallible.

Blood-Feuds

There are other circumstances which may be a bar to marriage. Nuer will say that there is 'blood between' certain lineages: *teke riem kamdien*, meaning not blood in the sense of kinship, but the spilling of blood and therefore latent hostility derived from a past and unsettled feud. This is not necessarily a serious bar to marriage, and presumably depends on the feelings of the people concerned. Yet if a marriage does take place in such circumstances, and is followed by disasters in the form of sickness and mortality among the children, the existence of a feud between the lineages will often be given as the cause. Yet marital relationships are a means through which blood-feuds can be amicably composed, for unless the indignation is exceedingly intense, the opposed groups will not wish to break with each other if linked by the many ties raised by intermarriage. Dissolution of marriage on these grounds is rare, and I am able to quote only one example:

Kai Bithou v. *Lili Gok* (*Jagei Nuer Case*)



Kai Bithou married Lili Gok's sister. A man called Pow Gatkwoth then married Lili's daughter. Previously Pow's father Gatkwoth had killed a close

of dispute. The spiritual danger involved is sufficient sanction for the immediate dissolution of the union and the return of all the cattle, or, alternatively, for the performance of ritual to break all kinship between the parties (*dak mara*).

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423 emphasis nor is there any demarcation of boundaries. Within each tribe which owns a territory in opposition to other tribes there is a further division according to primary segments and smaller communities. The lower down the scale of segmentation the less clearly defined are these boundaries, because ultimately they correspond to regions occupied by people closely bound by ties of kinship and by the need for close co-operation in the economic sphere. Individuals and small groups of people cross these boundaries, but must do so with the consent, tacit or consciously given, of those with whom the territory is associated, the *diel*, and those who link themselves to them. Thus with the exception of occasional quarrels over the riverain grazing grounds, land is not often in dispute. In the past rival claims to territory were settled with the spear, and there existed no complex laws of land tenure governing human relationships where land was concerned. Land tenure is not a serious problem in Nuerland nor the subject of much litigation in the courts, and is unlikely to become so while there is no shortage.[1]

3. INHERITANCE

428 Laws of inheritance might more properly be discussed under the heading of marriage, for they are inseparable from the general kinship system and the rules of bridewealth distribution. Matters of inheritance are not a common cause of litigation; they are essentially *ruac cieng*, private affairs which should be settled in the home. Nevertheless, disputes of this kind are sometimes brought before the courts, even by persons as closely related as brothers or half-brothers.

Inheritance of Cattle

Nuer society is essentially patrilineal where the inheritance of property is concerned, and a man's belongings should go to his sons, or failing that to his brothers or brothers' sons. Property or titles to cattle accorded in the name of a woman (for example, the mother's, maternal aunt's, and paternal aunt's portions in bridewealth) should go to her own sons and hence to the lineage of her husband, not that of her father. This rule is normally applied though it may be ignored in certain circumstances upon which no generalization can be made.[2]

428 The laws concerning inheritance are not distinct, for the owner is normally expected to divide the cattle actually in his possession among ●582 his sons or relatives before he dies. The underlying principle, however, for the distribution of cattle among a man's sons is that brothers

[1] As there may be when the Equatorial Nile Project is in full operation.

[2] See for example the marriages described on pp. 115–117. In these, since there were no uterine brothers of the bride's mother, their portions went to their maternal nephews, though one might expect them to go to their paternal kinsmen.

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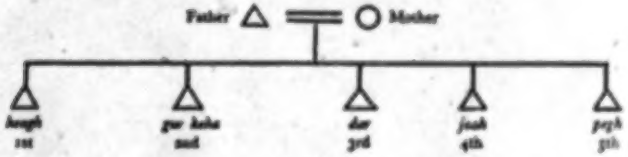
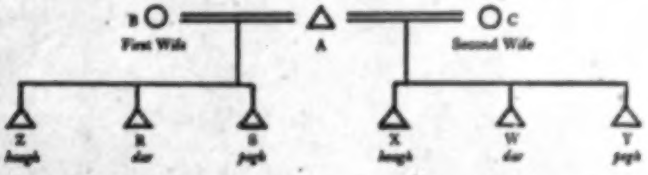
must marry in order of seniority—the eldest first. In a simple family consisting of a man, his wife, and sons, the sons are referred to as *keagh*, *gur keka*, *dar*, *joah* and *pegh* respectively. Thus:



(The 'first', 'the one after the first', 'the middle', 'the (one before the) last', 'the youngest'.)[1]

When a man has more than one wife, the sons of each wife are thus titled separately, each family beginning with *keagh* and ending with *pegh*. The principle of priority in marriage, however, is applied according to age, and does not depend on the status of the wife.



Thus, if X is older than Z, he will marry first. If W is older than Z, he will marry first and so on.

Certain indications of inheritance rights are also given in the distribution of bridewealth, not only between actual claimants standing in a particular relationship to the bride, but also between the persons who should rightfully inherit the title to those claims should the claimant be dead. I do not propose to describe here all the details of these indications because they have already been mentioned in connexion with bridewealth distribution,[2] but certain principles must be emphasized again.

The first of these principles is based on the distinction between the sons of the father (by another mother) and the sons of the mother (in this connexion the mother of the bride). A family group among the Nuer is made up of a number of domestic units each of which consists of a wife and her children. A man who has two wives is in the position of being husband and father to two such units. The children of one unit are uterine brothers and sisters; to each other they are *kwi dwiel*, 'on the side of the house or hut', because each wife must have her own

[1] The terminology is interesting. The word *keagh* is used to describe a woman who is unmarried or has not yet completed the processes of marriage. *Gur keka* (*gur keagh*) means simply 'the follower of the *keagh*'. *Dar* means 'middle', 'in the middle', *joah* or *joagh* means 'last', while *pegh* means 'end or limit'.

[2] See pp. 97–124.

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wives of men of other age-sets may one day become his mother-in-law. I have never heard it suggested that men have any sexual rights over wives of their age-mates and Nuer were always shocked at my enquiries about this point. I think that they would regard adultery with the wife of an age-mate as worse than ordinary adultery and in the light also of a ritual infringement; but I have no certain evidence about this.

But it is chiefly at feasts that the age-sets are divided up ceremonially as I have explained above. The *kau* of an animal goes to the *ric matet*, the junior age-set who may eat themselves or may share the meat with the set directly senior to them, according to the seniority of the set to which the owner of the beast belongs. One informant gave me a general example without specifying the seniority of the owner of the animal. He said that at a feast the *kau* would go to the *Lithgac* in Lou country, the *bum* to the *Maheri* and the *juak* to the *Boiloc*. If a *Dangunga* killed the animal we would therefore expect the *Luac* to eat with the *Lithgac*, the *Dangunga* with the *Maheri* and the *Boiloc* by themselves or with any remaining members of the *Thut* set; while if the animal belonged to a *Maheri* we would expect the *Dangunga* to eat with the *Maheri* and the *Luac* with the *Lithgac*. I may have stated this arrangement too rigidly, and even erroneously, as I rely on one or two casual remarks, and it will be necessary to observe actual feasts before one can say for certain how the age-sets are usually divided at them. One informant (Jok) told me that sometimes at a marriage feast the father of the bride will kill a "*yang rica*," "a beast of the age-set," for all the members of his age-set, who would make a special point of coming to the wedding. He said that in this case members of other age-sets would not be provided with meat though they might beg some from the age-mates of the bride's father.

One of the actions of the age-set system is the regulation of marriage. In my previous essay I pointed out that the clan is an exogamous group and that any near genealogical relationship through the female line is also a bar to marriage. The *ric*, or age-set, is also the basis of an exogamous group since no man may marry the daughter of an age-set. The reason for this prohibition is found in the convention by which all age-mates are regarded as brothers and, therefore, the children of one are regarded as the children of all, just as the children of a man's brother are his children also. Hence a man speaks of all the children of his age-mates as "my children," and is also barred from marriage with one

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561 •582 who counts by fiction, or analogy, as his daughter. I think we are justified also in regarding the actual ceremony of initiation as creating something in the nature of blood-brotherhood between the members of an age-set, since the Nuer seem to regard them as having a kind of community through the blood they have shed together. The Nuer also regard the lineage and clan as a group of people physiologically related as well as sociologically connected, since they have a notion of the common blood of kin.

[835] Not only is a man prohibited from marriage with the daughter of his age-mates, but he will refrain from having love affairs with them or flirting with them. When I asked what would happen if a man were to marry the daughter of an age-mate, I was told that his comrades would appeal to the *kwoth ricdien*, the spirit of their age-set, stating in an invocation that this man has no respect for their set and asking that he might be removed. He would then die. It is difficult to know how we are to interpret *kwoth ricdien*, but it seems that each *ric* is thought to be associated with its special guardian spirit though I do not think that these have special names.

This prohibition on the marriage of daughters with age-mates on the grounds of brotherhood between them is quite conventional and does not mean that age-mates are regarded as equivalent to brothers in either physiological or sociological sense. Perhaps the function of the prohibition is to be sought in the pattern of egalitarian behaviour existing between age-mates and their wives, a pattern of behaviour quite incompatible with that existing between a man and his father- and mother-in-law. If a man were to marry a daughter of an age-mate his age-mate would become his father-in-law and his wife would become his mother-in-law and he would have to act towards them with such respect as to make it impossible for him to eat or drink in their homestead. But the Nuer system decrees also that a man may act with the greatest freedom, as we have seen earlier, towards his age-mates and their wives. There would hence be a clash between two completely opposed patterns of behaviour, and this is avoided by the fiction of brotherhood considered as the relationship equal to real brotherhood in respect to marriage with daughters though different in most other respects. Doubtless the prohibition is re-enforced by the fact that there would always be a very great difference in age between a man and the daughter of an age-mate, for

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marriage between people of about the same age is usual in the Nuer society and marriage with a girl of the age of one's children is exceptional. 561 582.

Conventionality of the prohibition is shown when we come to consider the relations of a man to the daughters of his father's age-mates, because if there were any real identity between age-set relationships and kinship relationship these women would stand in the position to him of sister (father's brother's daughter). In point of fact, Nuer theory holds that children of age-mates may not marry and they form a secondary exogamous group based on the age-set system.

DIAGRAM No. XXIII.

A	AGE MATES ♂
B	CHILDREN OF A ♂ ♀

Thus members of group A may not marry into group B, A and B together forming an exogamous group comprising two generations. A is not an exogamous group since it contains only males and these are permitted to marry one another's sisters, if they are not prohibited from marriage on other accounts. B on the other hand forms in itself an exogamous group consisting of males and their sisters who are not supposed to intermarry.

However, the prohibition on inter-marriage between children of age-mates (between members of group B) is not seriously enforced, at any rate to-day, though I was told that in the past the rule was upheld. Thus, in Diagram No. XXIV, theoretically C ♂ cannot marry D♀ since A ♂ and B ♂ are age-mates. Because A ♂ and B ♂ are "brothers," B ♂ is the "father" of C ♂ and C ♂ cannot marry D ♀ his "father's daughter." It seems, however, that to-day so long as A ♂ or B ♂ is dead, the marriage is allowed between C ♂ and D ♀ on condition that they make exchange of a special cow or sheep or goat as atonement (*col*) for breaking the taboo. This animal is probably ear-marked for the *kwoth ricdien*, spirit of their age-set, though I was not told that this was the case. An instance of this kind was told in the family of one of my Nuer servants, Tot, whose sister was married to a man whose father was an age-mate of Tot's father. The husband gave Tot, whose father was dead, a female

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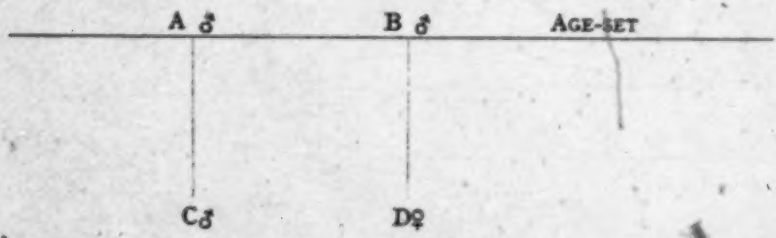
goat, and Tot gave the husband's father a male sheep. It may be doubted, nevertheless, whether such a marriage would have been regarded as correct by the older generation. I was told, however, that a man would not hesitate to flirt with, or make love to, female children of his father's age-mates without intention of marrying them, and it is evident that the restriction has nothing like the same force as that on the marriage between men and the daughters of their age-mates.

DIAGRAM XXIV.



To understand the Nuer age-set system we have to observe how it regulates the behaviour of members of a community towards one another. It acts together with the kinship system in determining everybody's attitude towards everybody else, so that the behaviour of each to each other is known beforehand, since it is evoked by their status in relation to one another. We have already seen how by a fiction which recognises adoption as true kinship and by the value attached to descent through the mother as well as through the father, a Nuer community comprises a network of interrelations of a kinship type which are spoken about in genealogical terms. These, however, leave authoritarian status largely ill-defined, and as is usual in societies where rank is unknown leadership is based on social recognition of biological differences of sex and age. In Nuerland authority is in the hands of the males and older males.

So dominant are notions of kinship among the Nuer that the age-set system is expressed in the ideology of family and kin as we have observed and tends to be spoken of as "fathers," "brother," "sons." Doubtless, this association lends weight to the institution of age-sets and makes them easy for an individual to understand and take part in. Talking to Nuer about their age-sets, one receives a marked impression that the notions associated with them are the familiar notions of family

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588 in Diagram No. I with their natural descent. J. ♂ will trace his ascent to
768 X ♂ through C ♂ and A ♂ and not through F ♂ and E ♂.
611 The commonest ghost-marriages are instituted on behalf of brothers, paternal uncles, maternal uncles, and fathers. By "fathers" is here meant physiological fathers though occasionally a man honours his true father (his pater and genitor) by marrying him a wife after his death, although this is not necessary because the man already has heirs.

582 Though a sister's son may marry a wife for his maternal uncle, a
588 maternal uncle is forbidden to marry a wife for his sister's son. Nuer
768 have even told me that it would be "incestuous" (*rual*) were he to do so. I was told, however, that a maternal uncle may espouse a wife to his dead sister's son so long as he does not himself have intercourse with her but allows a stranger, most likely a Dinka, to beget the children. The Dinka is also said to take the place of the husband in the marriage ceremonies during which the maternal uncle addresses his sister's ghost: *Nyimar, Jangemo, be mac gaanku pet* ("My sister, this Dinka will kindle the fires of your children" i.e. give them posterity). I have not recorded any actual arrangement of this kind and it is possible that it is the sister and not the sister's son who is married a wife.

Likewise a man's father, either pater or genitor, and his father's brother would not marry him a wife. It would seem that a man of a senior generation is not allowed to marry a wife to the name of a kinsman of a junior generation because the man would then be both vicarious husband to the wife and her father-in-law. One Nuer whom I asked why a maternal uncle might not marry his sister's son a wife replied "He is her (the wife's) father-in-law (*gwanthu*)". A husband's mother's brother counts as a "father-in-law". A man may not marry his father's sister's son a wife because he would be doing so with the cattle of the ghost's maternal uncle.

Also a man never marries a wife to the name either of his father's father or of his mother's father. It was the duty of their sons to have done this. *Gwan naru me ce lieu, ci ye de kuen cek*, "The father of your maternal uncle who has died, you may not marry him a wife."

428 In those cases I have investigated where a man has married his maternal
588 uncle a wife he has done so because he has obtained possession of his
768 maternal uncle's cattle. A man without sons or brothers may die and his cattle pass to his sister's son on the understanding that he uses them to raise up seed to his uncle. Members of the maternal uncle's lineage will not object to this procedure though they sometimes expect the sister's son to come and live in their village and raise up seed to his uncle in his uncle's old home. Occasionally it happens that when a girl is married her maternal uncle and his near kin are already dead so that there is no one to receive "the cattle of the maternal uncle". This part of her bride-wealth therefore goes to her brother in order that he may use the cattle to marry his dead uncle a wife. However, when a sister's son marries his maternal uncle a wife it is only in the absence of a close agnatic kinsman. He is not the most approved substitute for the dead man and acute difficulties may arise later between the children he has begotten and himself.

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684 have been paid in compensation for adultery with the wife of Yang". The same verb is used for paying compensation for intercourse with an unmarried girl e.g. one says *Bi yang ruok*, "You will pay a cow" for this action. *Ruok* also means to legitimatize a child born of an unmarried concubine. The genitor says *Ca gatda rok*, "I have legitimatized my child by payment of a fee".

833 To describe sexual relations outside the union of marriage Nuer use the
834 verb *lum*. The use of this word is a polite way of referring to sexual intercourse and could also be used to describe marital relations if one were to refer to intercourse between husband and wife. But it would be very unusual to refer to it. The word *lum* is used to describe the social relationship of a man to an unmarried concubine or widow-concubine, though it is a slightly coarse expression when used in this connection, and in the presence of related persons one would preferably say of a man and a widow *Mathke pi kel*, "They drink water together". *Lum* is also used to describe the courtship of a girl by a youth and refers to mere flirting or sexual intercourse alike. In fact it covers all relations between the sexes from casual intercourse to permanent cohabitation, though it has generally the sense of extramarital relations.

835 The rules of exogamy which obtain for simple legal marriage apply also
582 to all the different unions described in this paper. A man may not cohabit with a woman whom he may not marry.

VI

585 The test of the nature of a procreative union is in the division of the
431 bride-cattle of daughters born of it. When the pater is alive he receives
428 the "cattle of the father" and "the cattle of the mother". If he is dead they belong to his sons (the bride's half and full brothers). The genitor
588 in ghost-marriage and leviritic marriage has no legal claim to the "cattle
587 of the father" or the "cattle of the mother". They belong, at any rate in theory, to the bride's brothers. The genitor in ghost-marriage stands in the place of the pater with regard to the bride's brothers as well as to the bride herself so that there is no need to define ownership of the bride cattle very clearly, for in any case they join his herd. When the genitor has begotten the bride in leviritic concubinage, division of the cattle may be more complicated because the bride may have full or half brothers begotten by her dead pater, or by other men after his death. I discuss these matters in a preliminary manner here because they will be elaborated later.

The genitor in ghost-marriage and in leviritic marriage may always demand a cow for his services for having begotten the bride. Similarly a man who lives with a widow-concubine may demand a cow on the marriage of her daughter on the grounds that he has begotten her and, if he acted as her foster-father, he may claim another two or three head of cattle for having acted as bread-winner to the family during her infancy and adolescence. He says "I cut meat for them" in reference to the fact the children have been nurtured by his labour as herdsman, gardener, and hunter.

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

565 The descendants of Majok Kiir form the aristocratic nucleus of
614 the Gaajok tribe; the descendants of Mathiang Kiir and Kun Kiir form
619 the aristocratic nucleus of the Gaajak tribe; the descendants of Gwang Majok and Nyang Mathiang form the aristocratic nucleus of the Gaagwang tribe. Thus, on map No. V[1] these lineages are shown as tribal sections, i.e., they have given their names to the tribal sections which have aggregated to them. Here the three main lineages descended from Majok, LAANG, YOL, and WANGKAC, are shown as Laang, Yol, and Wangkac. None of the foreign lineages is of sufficient magnitude to be shown separately, but it must not be supposed for this reason that the descendants of Majok form anything but a fragment of the Gaajok tribe. In the same way the Gaagwang tribe comprises all sorts of foreign elements besides the descendants of Nyang Mathiang[1] and Gwang Majok. The same applies to the Gaajak tribe. As far as my information goes the GAA(T)GWONG lineage are completely united in tribal life with the GAA(T)JAK lineage and so are classified as forming part of the same Gaatjak tribe. In the map the primary sections of Lony, Kang and Tar are all called after descendants of Mathiang and the primary sections of Nyayan, Cany and Wau are all called after descendants of Kun. Hence, in map V, the only section not accounted for in diagram No. VIII[2] is the primary section of Reng,[2] the nucleus of whom are of mixed foreign origin.

614 The clan is the largest lineage which consider themselves as one for
● [682] purposes of exogamy. This is the minimum definition of a clan. In theory the clan preserves the same form as the smaller lineages which comprise it because it is supposed to be possible to trace the exact genealogical relationship of any member of the clan to any other member of it. Doubtless this can generally be done by a panel of competent genealogists, but most Nuer tend to confusion in the upper stages of ascent and either miss out or misplace names between the ancestor of their clan and the founder of their minor lineage. In consequence of this confusion which is associated with the social functions of clan and lineages there is a tendency for clansmen who do not also belong to the same minor lineage to have an undifferentiated relationship to one another, recognising their kinship to one another through common membership of a social group rather than by genealogical relationship. Hence they tend to recognise

[1] Nyang was the biological son of Mathiang, but as he was born of one of Kir's wives he is strictly a son of Kir.

[2] I believe that Reng is the bullock-name of Gying, the founder of the most important clan lineage in the Reng primary section of the Gaajak tribe. One of the secondary sections of this tribe is called Dhilleak which is, I think, a bullock-name of Bicuk, son of Gying.

[1] [See facing p. 30, category 116.--Analyst]

[2] [See facing p. 36.--Analyst]

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

in Lou country and Rengyan country forms only a small proportion of the total population of Lou and Rengyan tribesmen. Again, Gaajok country contains a dominant element of GAT GAN KIIR clansmen of GAAJOK lineage, but they are dominant in the Gaajok tribe on account of their traditional ownership of the country and not on account of numerical superiority, for they probably compose only a small minority of the tribe. Also not all the GAAJOK live in Gaajok country in the Eastern Jekany area, since a large part of the lineage live in the Gaajok primary tribal section of the Jekany tribe to the west of the Nile and smaller lineages of the GAAJOK are scattered throughout most, if not all, Nuer tribes. The GAAJOK form an excellent illustration of this difference between clan and tribe, since the GAAJOK of the Eastern Jekany and the GAAJOK of the Western Jekany cannot obviously be fellow tribesmen on account of the vast area which separates their countries and since they never act together in any collective undertaking. On the other hand they are equally descended from Majok the son of Kir and hence are all members of the same lineage of the same clan. For this reason they are all brothers and sisters and forbidden to intermarry. [582]

But though the clan is not a territorial group nevertheless many clans are largely localised. Thus the descendants of Mathiang are mainly living in the two countries of Eastern and Western Gaajak. The descendants of Nac are mainly living in Lou and Rengyan countries, and the descendants of Wär are, I presume, mainly living in Gaawär country. But this by no means holds for all clans. There is no tribal area in which the JIMEM mainly live or in which they have the position of owners of the soil, but they are scattered far and wide throughout the length and breadth of Nuerland. The same is true of the KIEK, JIDIET, BEEK and JIKUL, and a number of other clans.

When a clan is mainly localised in one tribal area it forms an aristocratic element there. The JINAC of Lou country lived originally with the JINAC of Rengyan country, but they split off from them and conquered Lou country from the Dinka. Here they were the first occupants, or more correctly the strongest element among the first occupants, and became "owners" of the country. Any other clansmen who came to live in Lou tribal area had to attach themselves on to the JINAC. The GAT GAN KIIR clan moved from their homeland to the west of the Nile and conquered the land, which they own to-day, on the eastern side of the

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

The next morning before she comes out of the house 585
where she has spent the night, the sister of the bridegroom 291
or some other woman relative comes in to bring her the married woman's garb, which they have prepared for her, and such ornaments as they wish to give her. At this time the beads are put in her ears. When she comes out of the house she is attired as a married woman, and from this time on she must wear some kind of a loin-cloth.

Her girl friends and herself are guests at a big feast at 585
the village of her husband that day, at which there is plenty of food and drink in evidence. When the feast is over, the girls return to the home of the bride's mother, for the Nuer bride does not stay with her husband but returns to her mother's home and spends most of her time there for the first year or two of her married life, although her husband may come to see her at any time, or she may go to his village whenever he wishes her to do so.

CUSTOMS CONCERNING MARRIAGE

A wife never eats with her husband nor sees him eat. 264
And he, while he knows she eats her food each day, never sees any sign of it. This custom is usually observed for two or three years. Then they may eat together. The wife usually stays with her mother until her child is a year or two old at least.

The wife must render a daughter's allegiance to her 606
mother-in-law, while her husband, in turn, must help his wife's mother as she desires, hoeing her field, or cutting her dura, or whatever she asks of him.

He never appears before his mother-in-law without a [576]
loin-cloth on, and for some time must never come to see her without sending word in advance.

The oldest son is allowed to be married first, and the 582
family unite in getting his cattle ready for him. Then he

14: Huffman M-5 (no date) 1931
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582 in turn helps the brother just younger than he, and so on until all are supplied with the wherewithal to get married.

The oldest daughter in a family is likewise given in marriage before her younger sisters.

Should a man have children by two wives, if one wife dies, her son—even though he may be younger than the sons of the other wife—may be allowed and helped to get married before they do, the object being to supply him with a housekeeper as speedily as possible. His half-brothers are not supposed to be in as urgent need since they have their mother to cook for them.

593 837 After a wife goes to live with her husband permanently, if he suspects that she is paying attention to any other man, he will probably beat her; or he may beat her for any other reason if he so desires. He finds his spiked bracelet specially useful at these times.

594 The greatest desire of a Nuer woman is for children. She realizes that as long as she can bear her husband children he will care for her. Should she fail him in this her position is insecure, and he, no doubt, will try to get another wife who will be able to give him his heart's desire.

[595] The mother also realizes that her children will care for her in her old age, even if her husband does take younger wives, so her children make her position in old age secure.

603 The oldest daughter (when several years of age) goes to live with her grandmother on her mother's side, providing her mother is the oldest daughter of her grandmother, or possibly this child may be the first grand-daughter. So the grandmother is assured of help in her old age.

CHILDBIRTH AND AFTER

843 One frequently wonders how babies do manage to live in Nuerland, when one considers how little care the mother receives at the time of their birth.

561 initiation. He is a *mut*, a man, whereas before he was one of the *dholi*
881 (boys). He is now treated by his elders as a man and he has close contacts with the cattle; he herds them, has his own ox and takes an ox name. He goes to dances and indulges in love-making and flirting as the preliminaries to marriage.

561 Certain ritual observances are practised between members of the same
764 age set, and between members of different sets: sets are segregated at
582 sacrificial feasts; members of a set cannot bury an age mate or participate in the mortuary ceremonies; a man may not marry or have sexual relations with the daughter of an age mate, for he is as a father to her; a man should not marry a daughter of one of his father's age mates unless his or her father is dead, because the strained relations between the two fathers-in-law would be incompatible with the free and easy relations of equality which should exist between age mates.

561 Members of a junior set are expected to show respect to members of senior sets. Since every Nuer has an age relationship to every other Nuer, the attitudes and types of behaviour between two men are determined in advance of meeting, unless there is any particularly strong and overruling tie of kinship.

561 Relations between sets are defined in ordinary kinship terms. Mem-
608 bers of a father's age set are fathers, their wives are mothers; members of one's own age set are brothers, their wives are sisters, and so forth. When speaking of a set immediately senior to his own, but not his father's, a man will call the men fathers-in-law and the women mothers-in-law, because he is usually courting the daughters of this age set in preparation for marriage.

MARRIAGE

582 Marriage is not permitted between clansfolk, close cognates, close kinsfolk by adoption, close affines or persons who stand to one another as father and daughter in the age-set system. If it is uncertain whether the genealogical distance between a couple is wide enough to permit marriage, a sacrifice (generally a beast) will be offered to cut the bonds of kinship if any exist.(1)

There are several types of marriage among the Nuer.

588 1. *Ghost Marriage.* If a man dies before he has married or if his wife does not bear him male children, one of his close kinsmen has the obligation of marrying a wife to his name, for it is held that no initiated male should be allowed to lie in his grave unremembered in his children. A vicarious marriage is contracted, and the vicarious husband acts as though he were the true husband in the marriage ritual. Evans-Pritchard states that "in physiological and in domestic roles he is husband, in all but the legal sense..... The legal husband is the ghost in whose name the bride cattle are paid and the marriage ritual performed."(2) The ghost family is a legal family and such families are almost as numerous as simple

(1) Evans-Pritchard, "Nuer rules of exogamy and incest", 1949, p.90.
(2) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1938, pp.308-9.

In certain respects the status
588 of an unmarried mother is inferior to that of the mother for whom bridewealth has been paid,(1) but her position may be regularised at any time by payment of cattle to her lineage.

582 848 The rules of exogamy apply to simple legal marriages and to all other unions. Physiological paternity does not appear to be stressed by the Nuer, but what is important to them is that the legal parentage of a child should be well established. The various types of union practised give rise to various difficulties owing to the clash of interests which may occur when the legal pater of a child is not his genitor, or his foster father. These difficulties are least likely to arise in the simple legal family where sentiment and interests go together and inheritance is plain.

837 Adultery is not uncommon and, if it can be proved, the adulterer has to pay a fine of 6 cattle to the husband, except when a child has been born, for it seems that the adulterer has a claim on the child. If a man is caught in the act, he may be speared or clubbed.

BRIDEWEALTH

583 Instalments of the bridewealth are handed over by the bridegroom's family to that of the bride, *pari passu* with a series of ceremonial acts, until the union is completed by the birth of a child.

The ideal amount of bridewealth consists of 40 head of cattle, and of these 20 go to the father's side of the bride's family and 20 to the mother's side. The actual distribution in any particular marriage approximates as nearly as possible to the ideal distribution.(2)

The number of animals actually handed over is usually less than 40, but in all cases there is a minimum number without which marriage could not take place. Essential claims are settled at the first bridewealth discussion; those due to the maternal relatives have priority, as they represent a deferred payment standing over from the marriage of the bride's mother. Lengthy arguments take place over the remainder of the animals. Paternal and other kinsmen, whose relationship is not close enough to carry a title to a defined share of the bridewealth, may claim a small gift; the genitor of the bride has a right to a cow if he is not also her legal father.

Bridewealth has two main functions: in the first place it creates new social ties between persons and regulates their relations until these have become assimilated to kinship patterns; secondly, it determines the lineage affiliations of the children of the union.(3)

MARRIAGE CEREMONIES

584 A number of rites are necessary for the conclusion of a marriage, and the sequence of rites is linked with the transfer of cattle; thus, the performance of a given ritual is a recognition that the required number of

(1) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1938, p.329.
(2) Evans-Pritchard, *Africa*, XVI, 1946, p.249.
(3) Evans-Pritchard, *African Studies*, XI.4, 1947, p.185.

owner killed a man of another district, he began a feud and was liable to be killed by the kin of his victim. It seems that fetish owners were treated differently in different areas. Many people possess medicines which protect them from fetishes. 754

Death may be due to one of three causes: *olia kwoth* (a sickness of god), sorcery and the evil eye, or sickness due to fetishes. This last is sudden and may kill a man quickly, whereas a sickness sent by god is usually prolonged.(1) A man believing himself to be ill on account of a fetish summons a fetish owner to discover whose fetish is responsible. When this is known a sacrifice is made to the fetish and its owner is asked to stop it troubling the sick man. 754 753

When a fetish owner dies, his medicines are preserved until his spirit enter into one of his descendants who will then become a fetish owner in his stead. A man may purchase a fetish from another; the medicine is only the habitation of the fetish spirits who exist apart from it. The Nuer believe that a fetish kills someone because its owner dislikes him. 754

The Nuer Ghoul

Many of the Nilotic tribes believe in ghouls who feed on the bodies of those recently dead. This belief is found among the Acholi, Anuak, Shilluk, Lango, Dinka and Nuer. The Nuer ghoul is called the *rodh* and is regarded with horror by the people. The practice of ghoulist activities is to some extent hereditary, for the potentiality is found in certain lineages, but a man may become a *rodh* even if he is not a member of such a lineage. Disinterment of the dead is regarded as his most horrible activity.

A *rodh* may be killed by common consent and, although no blood must be spilt, he may be beaten to death with sticks without fear of revenge. This is the only instance among the Nuer of killing which does not demand compensation or vengeance.

LIFE CYCLE

BIRTH

In childbirth a woman is attended by a female relative who is herself already a mother. The child's incisor teeth are removed at the age of eight years. 844 854 304

The birth of twins constitutes a danger to their family; special decorations are worn by the kinsmen, animals are sacrificed, and ritual prohibitions observed. As do other Nilotic groups, the Nuer believe that the parents are safe if the twins are of opposite sexes, for the boy will want to preserve his father and the girl her mother. In spite of the dangers, however, the Nuer are joyful at the birth of twins if they both live. Throughout life, twins are subject to certain ritual observances; before a twin can get married they must both together go through a fictional 845 582

(1) Evans-Pritchard, *S.N.R.*, 1935, p.74.

582 marriage ceremony with partners selected for the purpose, and, in the ceremony, the role of the sexes is reversed.(1)

BURIAL

764 The grave is dug and the corpse buried as quickly as possible and without ceremony. Young people and age-mates of the deceased do not participate. The grave site is at the left-hand side of a man's hut. All ornaments are removed and the body is buried in a flexed position, one arm being placed under the head and the other over it. The body lies on the right side facing west. Graves are not long remembered, and are not places for ritual. When a leopard-skin chief or a *wut ghok* dies he is buried on a platform and covered with skins.

A few days after death, the *gwan buthni*, the ritual expert of the lineage, makes a sacrifice and cleanses the people of the homestead. The ghost *(joak)* is told not to trouble the living. Some believe that spirits live in the sky, others that they continue to live under the earth the same kind of life as they lived when alive.(2)

765 Relatives mourn until the mortuary ceremony which is held several months after death. The purpose of this ceremony, the *wocene cuol* or *cuol woc*, is to prevent misfortune which might befall the relatives on account of the death and to cut off the dead from the living.

THE BURUN

000 GENERAL

The Burun inhabit the regions between the White and Blue Niles in the province of Dar Fung. The country is a flat plain, with rocky hills emerging from it. These jebels are in some cases of considerable size and, wherever there is water in or near them, they have settlements on them. The populations of the hills have been considerably affected by foreign influence over a long period of time and, as a consequence, are very mixed. The Burun-speaking peoples may be divided into two groups:

The Northern Burun, comprising the settlements on hills Maiak, Surkum, Jerok, Mufwa, Kurmuk, Kudul, Ragreig, Abuldugu, Mughaja, and Tullok;

The Southern Burun, comprising the Meban of the southern plains, the dwellers on hills Ulu and Gerwai and the Jumjum on hills Tunya, Terta, Wadega and along Khor Juhjum.

The following account is a brief summary of the information available on the social organisation, cultural features and ritual beliefs and practices of the Burun-speaking people. Each hill community is treated separately for, according to the authorities, each is entirely independent of the rest. Most of the information available is contained in Evans-Pritchard's article in S.N.R., 1932, Vol.XV, Pt.I.

(1) Evans-Pritchard, *Uganda Journal*, 1936, Vol.III, No.3, p.233.
(2) Evans-Pritchard, *African Affairs*, 1949, Vol.48, p.57.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

that the unity of twins is expressed, particularly in ceremonies connected with marriage and death, in which the personality undergoes a change. Thus, when the senior of male twins marries, the junior acts with him in the ritual acts he has to perform; female twins ought to be married on the same day; and no mortuary ceremonies are held for twins because, for one reason, one of them cannot be cut off from the living without the other. A woman whose twin brother had died some time before said to Miss Soule, to whom I am indebted for the information, 'Is not his soul still living? I am alive, and we are really children of God.'

There is no mortuary ceremony even when the second twin dies, and I was told that twins do not attend the mortuary ceremonies held for their dead kinsfolk, nor mourn them, because a twin is a *ran nhial*, a person of the sky or of the above. He is also spoken of as *gat kwoth*, a child of God. These dioscuric descriptions of twins are common to many peoples, but the Nuer are peculiar in holding also that they are birds. They say 'a twin is not a person (*ran*), he is a bird (*dit*)', although, as we have just seen, they assert, in another sense, that twins are one person (*ran*). Here they are using the word *ran* in the sense of a human being as distinct from any other creature. The dogma is expressed in various ways. Very often a twin is given the proper name *Dit*, bird, *Gwong*, guineafowl, or *Ngec*, francolin.[1] All Nuer consider it shameful, at any rate for adults, to eat any sort of bird or its eggs, but were a twin to do this it would be much more than shameful. It would be *nueer*, a grave sin, for twins respect (*thek*) birds, because, Nuer say, birds are also twins, and they avoid any sort of contact with them. The equivalence of twins and birds is expressed particularly in connexion with death. When an infant twin dies people say *'ce par'*, 'he has flown away', using the word denoting the flight of birds. Infant twins who die, as so often happens, are not buried, as other infants are, but are covered in

[1] That the names, at least all those I have heard, are taken from birds lowest in the scale of Nuer reckoning requires comment, especially in view of the argument I later develop. It may be due to the Nuer habit of speaking of their relation to God—the birth of twins constitutes such a context—by comparing themselves with lowly things. On the other hand, it may be simply in keeping with the logic of the analogy. Twins belong to the class of the above but are below; just as guineafowl and francolin belong to the class of birds, which as a class is in the category of the above, but are almost earthbound.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

411 614 association with the spirit *wiu* through the further association of this spirit with lightning and hence with the idea of striking, so that the spear *wiu*, perhaps also because it has a material existence, has become the prototype of clan 'spears'. Of the other spear, that of the Thiang clan and tribe, who occupy a territory I have not myself visited, we are told by Mr. B. A. Lewis only in whose possession it is and that it is called *mut bah thiang*.[1] Dr. P. P. Howell, who gives its name as *mut bar thiang*, tells me that he has not seen it but Nuer have described it to him as being nearly worn through with much polishing. It is unknown whether any cultic practices like those I have mentioned above are connected with it.

411 614 613 552 Apart from the Gaatgankir and the Thiang spears the spear-symbols of the Nuer clans and lineages are only names. Through the association of a tribal community with the clan dominant in it the spear-name of this clan is shouted out in invocations when the whole tribe goes to war but, except in this context, which I discuss below, in which a political group is merged conceptually with a clan or lineage, it is only called out in reference to a descent group as an exclusive group. Thus, when I asked a Wot tribesman whether his tribe had a tribal spear he replied: 'We have many spears. One lineage (*gol*) has one spear, another lineage has another spear, a third lineage has a different spear, and so on.' By 'spear' he meant a spear-name, not an actual spear. Consequently, if two [582] persons have the same spear-name there is likelihood of agnatic relationship, and spear-names are therefore often spoken of in connexion with proposed marriages. One hears Nuer saying in discussions about the permissibility of a proposed marriage 'what about their spears?', 'they have the same spear, they cannot marry', or 'their spear is different to ours, we can marry their daughter'.[2] At a wedding the masters of ceremonies on the bride's [585] side and on the bridegroom's side, each acting as representative 411 of his clan, begin their formal announcements that the marriage 614 negotiations have reached a successful conclusion (*twoc ghok*) 613 by shouting out their clan spear-names. The spear-name is also 597 shouted out by the master of ceremonies as the opening words of 552 the sacrificial invocation he makes when a Dinka boy is adopted

[1] B. A. Lewis, op. cit., p. 82.

[2] Should the two clans have the same spear-name this is not always a bar to the union, for secondary spear-names may indicate that they belong to different clans, or other circumstances may be taken into consideration.

21: Bacon

Nuer FJ22 (S2)

618, 621, 582

/For a discussion of the social structure, kin relationships, tribal genealogy and general kin regulation of marriage, see 116 of the AUI Afghanistan file, 21:Bacon, pp. 130-141./